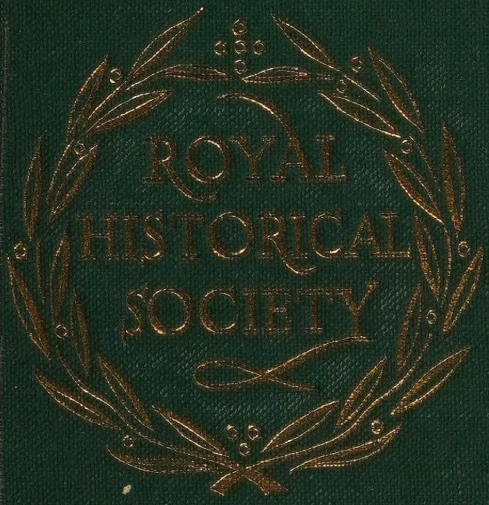
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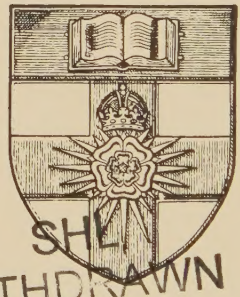

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TRANSACTIONS OF THE
ROYAL HISTORICAL SOCIETY

DECADENCE OR SHIFT?
CHANGES IN THE CIVILIZATION OF ITALY AND EUROPE IN THE SIXTEENTH AND SEVENTEENTH CENTURIES

By H. G. Koenigsberger, M.A., Ph.D., F.R.Hist.S.

READ 10 JANUARY 1959

THE idea that certain periods and certain countries were outstanding in their contribution to civilization is as old as the writing of literary and art history. 'All ages have produced heroes and politicians', wrote Voltaire in his *Siècle de Louis XIV*;[1] 'all peoples have experienced revolutions: all histories are practically equal for him who does not want to remember anything but facts. But whoever thinks and, what is rarer still, whoever has good taste, will count only four centuries in the history of the world.' According to Voltaire, one needed to remember only the Greece of the fifth and fourth centuries B.C., the Rome of Caesar and Augustus, Medicean Italy, and France in the century of Louis XIV. Almost two hundred years earlier, Vasari had pointed to the same phenomenon in Italy. In the introduction to his *Life of Michelangelo* he says that God in his mercy had shown pity on the vain endeavours of man by sending down to earth a spirit who could work perfection in every art and profession, in painting, sculpture and architecture, no less than in moral philosophy and poetry. And since Florence was more deserving of this grace than all other cities, because of the great and marvellous achievements of Cimabue and Giotto, of Donatello, Brunelleschi and Leonardo, he wanted 'to crown the perfection merited by all these achievements through one of her citizens'.[2]

The appearance of a Michelangelo, as the appearance of a Shakespeare or a Mozart, must always remain a divine miracle.

[1] Voltaire, *Siècle de Louis XIV* (Paris, 1919), pp. 1–2.

[2] G. Vasari, *Le Vite*, ed. C. Ricci (Milan, 1930), iv, p. 391.

Yet, unlike Vasari, the modern historian of civilization cannot rest content with divine providence as an explanation for the astonishing concentration of artistic talent in Renaissance Italy. Indeed, one may well question whether Vasari's pretty parable was much more than an elegant literary device to introduce his greatest hero. Vasari knew well the tradition of craftsmanship, the hard apprenticeship through which the young artist had to pass in the *ateliers* of the masters. In spite of his immense admiration for the work of great individuals, he was aware of the cumulative nature of the development of Italian art.

Yet craftsmanship and tradition are not in themselves a sufficient explanation of a concentration of creative activity. Moreover, while concentration of outstanding talent has often occurred in quite a wide range of activities, it has rarely embraced all of them. In some countries, at some periods of their history, there occurred shifts in the concentration of talent from some creative activities to others. It is the purpose of this paper to investigate such shifts in the cultural history of Europe in the sixteenth and seventeenth centuries, and to show by historical analysis why such shifts occurred in some countries and not in others. Such an approach will allow us to drop not only Vasari's metaphor of divine providence but also the fashionable, but no less mystical, metaphor of growth and decadence.

Consider Italy. Whatever historians may think of the term Renaissance, few will deny that, for some two hundred years up to the early sixteenth century, Italy was outstanding in Europe for the great wealth and quality of her production in the visual arts, in literature and classical learning, as well as in the theory and practice of political and economic organization. The social basis and the political and economic framework for these achievements was the medieval Italian city-state. Whereas the civilization of transalpine Europe was feudal, courtly and ecclesiastical, the civilization of Italy was urban, republican and secular. By republican I mean a social organization in which the mass of small artisans and craftsmen, as well as the wealthy merchants, were free citizens of their state, not vassals of a suzerain, subjects of a prince or serfs of a lord. The political control of most Italian city-states remained in the hands of a wealthy patriciate. The lower classes managed to participate only rarely in the political control of their cities. But the sense of citizenship and personal

freedom remained. The citizens were not irreligious. The great cathedrals, with their frescoes representing the stories of the Bible, symbolized the common achievements and hopes of their Christian community. But despite the great number of monks and friars in the Italian cities, most of the scholars, writers and artists were not clerics; their public was the whole body of citizens, not the exclusive court society of a king of France or a duke of Burgundy.

With the economic decline of the late fourteenth and of the fifteenth century, the social and political basis of this society began to change. In city after city, local *condottieri* established a one-man rule, often with popular support, against the oligarchy of the patricians. As the tyrannies of the *condottieri* became respectable, they changed into principalities, for which popular support was deemed unnecessary. The new courts and the new aristocratic court-societies now tended to become the centres of the civilization of the city-states. But, at least until the end of the fifteenth century, the new miniature monarchies still retained many of the characteristics of the medieval city-state. The Italian artist, through the exigencies of patronage, was becoming more and more a courtier, but he was still a citizen. Nowhere is this development clearer than in Florence. The rule of Cosimo and Lorenzo de Medici was as effective as that of the Sforza of Milan or the Gonzaga of Mantua; but they remained nominally private citizens. Their court still had some of the informality and egalitarian character of a summer school for artists and scholars. Even after the turn of the century, Leonardo and Michelangelo, whom we regard primarily as court artists, still affirmed their Florentine citizenship by working as military engineers in the wars of the restored republic. By contrast Rome, which had never been a genuine city-state, did not become an outstanding cultural centre until the popes of the mid-fifteenth century began to attract artists and scholars to their courts. The greatest masters of the Roman Renaissance were not Romans, but Tuscans and Umbrians.

It was inevitable that both literary and artistic styles and art forms should be influenced by these shifts in the social centre of gravity. Already in the fifteenth century the greatest of the communal enterprises, the building of the cathedrals, began to slow down. The tardy completion of the *duomo* of Florence was a typical phenomenon. Ghiberti and Brunelleschi, at least, were

still employed by the guilds. Bramante and Michelangelo, the architects of St Peter's in Rome, however, were employed by the popes; and St Peter's, although a symbol for the religious aspirations of the whole of Christianity, was not the cathedral of a Christian commune in the sense in which the cathedrals of Pisa, Lucca or Siena had been. Frescoes were giving way to easel paintings, commissioned by private patrons and hung in private *palazzi*. Michelangelo's Sistine ceiling is a fresco, but it was painted for the private chapel of the pope. His frescoes in the Pauline Chapel are not even now open to the public. The whole difference between republic and monarchy lies in the conception of the Or San Michele in Florence (the public hall built by the guilds, to which all the great sculptors of the time contributed their sculptures) and the conception of Michelangelo's tombs of Julius II and the Medici.

Such examples could be multiplied at will, and they are paralleled in literature in the change from Petrarch and Boccaccio to Ariosto. In the first decade of the sixteenth century the humanist Castiglione produced a literary portrait of the ideal courtier, a type of book which, even a generation earlier, would have been inconceivable in Italy; but in transalpine, courtly Europe, it would have fitted into a respectable literary tradition, as the popularity of Olivier de la Marche's writings testify. Castiglione's famous book, despite its new subject, still preserves much of the earlier Italian tradition. With its fusion of different elements and traditions, it is an example of the stylistic perfection and classical balance which Italy achieved for a brief generation when the new Italian courts could still draw on the living traditions of the late-medieval city-state and blend them with their own splendour and the individualism of the new rulers.

This much will be conceded by most historians. The later sixteenth and the seventeenth centuries are much more controversial. Sixty years of war between the great powers of Europe, France and Spain, with Italy as their battle-ground, killed what was left of the city-states and their traditions. The tyrants obtained ducal or grand-ducal titles. They modelled their courts on those of Spain and France. Naples, Sicily and Milan were ruled by viceroys and governors-general. Only Venice survived as a true republic.

Could the small principalities, with their increasingly exclusive

and rigid courts, satisfy the spiritual needs of their citizens as the Christian commune of the city-state had done? It soon became apparent that they could not. The career of Savonarola had shown in which direction the new currents would flow. It was not a coincidence that his success came at the end of the first period of Medicean rule in Florence, or that his preaching could affect even members of the Medicean *élite*, like Pico della Mirandola and Botticelli. In Italy, as in the rest of Europe, the later sixteenth century became an age of religious mass movements. The reformers of the earlier part of the century, mostly humanists and intellectuals, could never slake the craving for new values and certainties of a populace cut off from the direction of its own destinies. This task was left to the extremist preachers of religious reform, the Ochino and Valdez, until these, in turn, had to flee before the power of the state and the Inquisition and their place was taken by the fiery Theatine, Dominican and Jesuit preachers of the Counter-Reformation. The Milanese and Neapolitans might rise against the attempted introduction of the Spanish Inquisition; but they were fanatically Catholic, and their hero was San Carlo Borromeo.

It is not really surprising that, in these circumstances, the classical style in the visual arts should have broken down. Already the later work of Raphael, for instance the *Fire of the Borgo*, 1517–18, points the way to the new style of mannerism. Michelangelo's work after about 1520 is famous for its non-classical qualities. The stylistic development of the late works of artists like Michelangelo tends to follow laws of its own, and I do not want to attach too much importance to them in this context. But it is only necessary to compare a portrait by Bronzino with one by Raphael to see that we have entered a different world. The stiffness and formality, both of dress and bearing, of the sitter, as for instance in the portrait of Eleonora of Toledo, faithfully reflects the stiffness and formality of the new court society.[1] Where the face of Raphael's Castiglione or Titian's Paul III is open to the beholder, Bronzino's faces are like masks, but masks behind which one may discern a hidden nervous tension. The age was no longer one of integrated personalities, whether honest humanists like Castiglione or sly diplomats like Paul III.

[1] *Cf.* W. Pinder, 'Zur Physiognomik des Manierismus', *Festschrift Ludwig Klages* (Leipzig, 1932), pp. 152–53.

Together with a change in style there was also a change in the quality of Italian painting and sculpture. My own opinion is that Parmeggianino, Cellini, Vasari, the Carracci and even Bronzino, for all the fine qualities of their work, were lesser artists than the great painters of the *quattrocento* and early *cinquecento*. Only Caravaggio might be counted among the giants, and even the claims made for him have often been disputed. In the seventeenth century the decline continues. The rhetoric of Guido Reni and the romanticism of Salvatore Rosa were no substitute for the creative fire of the Renaissance.

In sculpture, the decline was even more rapid. The classical tradition of Donatello, Verocchio and the early Michelangelo found no successors. Giambologna, a Frenchman living in Italy, possessed superb technical skill, and some of his work, especially the animal sculptures in the Bargello in Florence, has great charm. But he was no Donatello. After him, there came Ammanati and other unhappy epigones of Michelangelo's later style. Not until Bernini, in the seventeenth century, did Italy produce another sculptor of the first rank; and there was no one else of a comparable stature. One does not have to go all the way with Benedetto Croce and call the whole baroque period (which, for Croce, included mannerism) 'variations on ugliness',[1] yet to accept the phenomenon of decline in the visual arts.

This decline was paralleled in literature and political philosophy. Marino, who considered himself, and was considered by his contemporaries, as the greatest of all poets, ancient or modern, is now read only by specialist literary historians.[2] Tassoni's reputation has not survived any better. 'No great book,' says Croce, 'that is, one which reveals man more profoundly to man, was inspired by the Counter-Reformation. Nor did any poet do this, not even Torquato Tasso . . . Neither did any artist, because the art of the seventeenth century, when it did not serve practical ends . . . appeared frankly sensual. Austere men, heroic missionaries, open and generous minds certainly abounded still in the

[1] 'Una varietà del brutto', quoted in V. Titone, *La politica dell'Età Barocca* (Caltanissetta, 1950), p. 37.

[2] *Ibid.*, p. 47. G. B. Ciotti, the publisher of Marino's *Rime*, wrote in his preface, in 1602: '. . . questo divino ingegno, istimato per universale aviso di tutti giudiciosi huomini d'Italia un de'maggiori lumi della Lirica Poesia, anzi miracolo de'nostri tempi . . .'

Roman Church, but this is not the point; these most worthy men (*uomini virtuosissimi*) lacked moral inventiveness, the ability to create new and progressive forms of ethical life'.[1]

The splendid tradition of politically *engagé* historical writing in Florence died in the 1540's when it became clear that a return to a republican form of government had ceased to be a political possibility.[2] The political theorists of the later sixteenth century, Botero, Scipio di Castro, Campanella and the rest of them, are both dull writers and unoriginal thinkers when compared with Machiavelli and Guicciardini. Boccalini, the most acute and honest of them, had Machiavelli expelled from Parnassus because he taught blind and harmless sheep to use their teeth and 'give sight to those moles whom Mother Nature, with great foresight, had created blind'.[3] This ironical argument overruled his own powerful defence of Machiavelli.[4] Boccalini's is the most bitter indictment of the political society of the Counter-Reformation era. Botero, the best known of the political writers of the time, only purveyed the most widely accepted platitudes of the day. His ideas and his method of writing he copied from Bodin. Botero, the secretary of San Carlo Borromeo, set up Louis XI as his political hero.[5] The moral advance from Machiavelli's hero, Cesare Borgia, does not appear very striking.

Nevertheless, Croce was wrong in stigmatizing the Italian Counter-Reformation and baroque periods as inferior to the Renaissance in all aspects of creative endeavour. First, I want to argue that architecture did not share in the decline of the other visual arts. There is much prejudice in this country against the baroque in architecture, and the attempts, by Vanbrugh and others, to introduce the style here, have not always been wholly successful. Yet from the Gesù in Rome, from Longhena's Santa Maria della Salute—and who would wish to see Venice without

[1] B. Croce, *Storia dell'Età Barocca in Italia* (Bari, 1929), pp. 16–17 (my translation).

[2] L. von Albertini, *Das florentinische Staatsbewusstsein im Übergang von der Republik zum Prinzipat* (Berne, 1955).

[3] T. Boccalini, *Ragguagli di Parnasso* (Bari, 1910), i, p. 328.

[4] *Ibid.*, p. 327. For an excellent analysis of Boccalini's thought, see F. Meinecke, *Die Idee der Staatsraison* (Munich, 1929), book 1, ch. 3; translated by D. Scott, *Machiavellism*, ed. W. Stark (London, 1957).

[5] G. Botero, *The Reason of State*, transl. P. J. and D. P. Waley (London, 1956).

this superb contrast to its Byzantine, Gothic and Palladian buildings?—to Borromini's and Bernini's palaces and churches, baroque buildings at their best can at least compare with the buildings of Brunelleschi, Bramante and Michelangelo. In the colonnades of St Peter's, Bernini created, on his own terms, a structure as elegant and aesthetically satisfying as Brunelleschi's façade of the Ospedale degli Innocenti.

Perhaps even more significant was Italian achievement in philosophy, the natural sciences and, above all, in music. Yet it is curious that Croce should have all but ignored this phenomenon. This is not the place to present an outline of the history of science in Italy. It is sufficient to mention the towering figure of Galileo, his pupils Torricelli and Viviani, or names such as those of the zoologist Stelluti and the anatomist Malpighi. Modern science came of age with the work of the Academia dei Lincei, of Rome, and the Academia del Cimento, of Florence—both of them earlier foundations than the Royal Society. For the eclecticism of Leonardo, even though it was the eclecticism of genius, the academies substituted the principles of systematic investigation and rational analysis on which all further advances in science have come to be based.

Perhaps the most revolutionary shift in Italian creative activity was towards music.[1] The Italians had, of course, always been an intensely musical nation. In the Middle Ages they had played a prominent part in the invention of musical notation, an invention comparable to that of the alphabet. But throughout the Renaissance, music had to give pride of place to poetry and the visual arts. Dante and Petrarch never set their poems to music in the manner of the French and German troubadours. A foreigner, Henricus Isaac, arranged the tunes for Lorenzo de Medici's popular songs.[2] Even at the beginning of the sixteenth century Castiglione tells us that Italian composers were at a discount and that no piece of music was fashionable unless it was thought to have been composed by Josquin des Prés.[3] North-western Europe, England, Flanders and northern France were the true

[1] As far as I am aware, L. Olschki, in *The Genius of Italy* (Oxford, 1949), is the only author to have appreciated the significance of this shift in creative activity.

[2] *Ibid.*, pp. 402–405.

[3] B. Castiglione, *Il libro del Cortegiano*, ed. V. Cian, 4th ed. (Florence, 1947), pp. 190–91.

home of the finest Renaissance music. The first of the great line of organists of St Mark's in Venice was the Netherlander Adriaen Willaerts, appointed in 1527. He was the founder of the great Venetian school of music. In the second half of the sixteenth century this school achieved its first great climax in the rich brocade of the compositions of Merulo and Andrea and Giovanni Gabrieli. Well might Francesco Sansovino exclaim, in 1581, that music had her very own home in Venice.[1] It could not truthfully have been said fifty years earlier.

Independently of the school of Venetian organists and instrumentalists, there developed the school of sacred choral music with Palestrina as its greatest master. The secular counterpart of Palestrina's masses were the unaccompanied madrigals. Monteverdi, the finest of the Italian madrigalists, is still popular with modern singers. From about 1580 the circle of the musical amateur, Giovanni Bardi, Vincenzo Galilei, Caccini and Peri, experimenting with the typically sixteenth-century notion of recreating Greek musical drama, invented a completely new musical form, opera.[2] It was little more than ten years from the first opera, Peri's *Dafne*,[3] to Monteverdi's *Orfeo*, the earliest opera still to enjoy successful productions. From then on, Italian music went from strength to strength. The modern gramophone companies have proved conclusively that Italian seventeenth-century music is still very much alive.

Much of this development centred in Venice. It is Venice which may provide a clue to the whole development of Italian civilization in the sixteenth and seventeenth centuries. Venice was the one Italian state which maintained its old character as an independent city-state and a true republic throughout the sixteenth century. She suffered political and economic setbacks, but the Venetian fleet could still vindicate its old reputation and the strength of the Venetian civic spirit in the great victory of Lepanto. Only in the seventeenth century were the Venetian merchants driven off the seas by the successful competition of the

[1] G. M. Cooper, 'Instrumental Music', *The Oxford History of Music*, 2nd ed., ii, p. 422.

[2] *Grove Dictionary of Music and Musicians*, ed. E. Blom, vi (5th ed., 1954), p. 195.

[3] Significantly, the first performance of this opera took place in the house of another musical amateur, Count Corsi; see M. F. Bukofzer, *Music in the Baroque Era* (London, 1948), p. 56.

Dutch and English in the spice trade of the Indies and the carrying trade of the Mediterranean. This continued political and economic vitality of the Venetian city-state was paralleled by the continued vitality of the great school of Venetian painters. From about the middle of the sixteenth century, when Michelangelo had painted his last fresco, there was in the rest of Italy no painter of the stature of Titian, Tintoretto and Veronese. With Palladio and his school, Venice produced not only a new style in architecture which was to be almost as influential in Europe as the baroque, but in their Palladian country houses the Venetian patricians created a new form of social centre for a cultured, aristocratic and non-courtly style of living, which was still to bear fruit in eighteenth-century England.

Life in Venice had become different from life almost everywhere else in Italy. In Venice the artist remained the citizen of a free republic; in Florence, Rome and Milan he had become the subject of a petty prince or, worse, a distant monarch. The Venetian participated, however indirectly, in the political and public life of a free community; the Florentine, the Roman and the Milanese was excluded from the political and public life of his state except through the cramping formalities of a court. The Venetians were well aware of their advantages. When Iacopo Sansovino fled to Venice after the sack of Rome, in 1527, Titian and Aretino counselled him to remain in the republic and not be tempted by the false allurements of the court life of Rome or France.[1] Titian enjoyed the patronage of Charles V and Philip II, but he visited their courts only for short periods and always returned to Venice. His correspondence with Philip II shows the relationship of patron and artist, but without a hint of that of a prince and his subject.[2]

It is now possible to draw some general conclusions. Venice throughout the sixteenth century retained much of the spirit of the

[1] *Enciclopedia Italiana*, xxx, p. 758; G. Lorenzetti, *Itinerario Sansoviniano a Venezia* (Venice, 1929), p. 21.

[2] *Cf.* Boccalini, who admired Venice more than any other state: '. . . Apollo fermamente crede che nelle patrie libere, più che in altra specie di governi, le leggi sieno dirette al ben comune degli uomini, che in esse gli animi de'cittadini più si accendino ad intraprendere e ad eseguir opere virtuose e che più vi fiorischino le scienze e ogni civil polizia, sommamente ha in abbominazione quei tiranni che commettono l'eccesso di occupar la libertà di una ben ordinata republica . . .' (*Ragguagli di Parnasso*, i, p. 63).

late-medieval city-state. Despite its efficient Inquisition, Venice never became a centre of the Counter-Reformation like Rome and Milan. Its great religious figures of the sixteenth century, a Contarini or a Sadoleto, remained in the old tradition of intellectual Christian humanists. Paolo Sarpi's *History of the Council of Trent* showed that, even in the seventeenth century, traditional anti-Romanism was allowed to flourish in a Catholic state. At the same time, Venice was sufficiently open to new ideas to be able to play her part in the working out of the new styles in architecture and music.

In the rest of Italy, patronage had become centralized almost exclusively in the courts—courts which had lost even the semblance of a genuine leadership of the citizen body. In such a society, the scope of the painter and writer was much more limited than before. Narrowness, formality, intolerance, the Index and the Inquisition inhibited the free expression of artistic, literary and political genius. Castiglione's *Courtier* was put on the Index. Ammanati publicly repented of having sculpted nudes. Michelangelo's Last Judgment was bowdlerized on the orders of the papal court; his plans for St Peter's were changed for purely doctrinal reasons.[1] The theoreticians of art, who flourished as never before, were questioning the very basis of Renaissance art. Where Alberti and Leonardo had spoken of art as representing nature, Danti and Lomazzo now insisted that the artist must improve on nature.[2] Aesthetic considerations aside, these theories were undoubtedly the expression of a formalized court-society.

Worse still, the Italian states were becoming provincial. A free city-state derives much of its vitality from the intimacy of a small community. A monarchy centralizes cultural life in court and capital, and therefore needs a larger hinterland of talent to draw upon. It needs greater wealth and power than the city-state to compete with its rivals in status; for status is the peculiar virtue of a court society. Goldoni who knew this society intimately starts one of his most famous satirical plays, *La Locandiera*, with one character saying to another: 'Between you and me there is a difference in status'.[3]

[1] *Enciclopedia Italiana*, xxi, p. 830.

[2] E. Panofsky, *Idea* (Leipzig–Berlin, 1924), pp. 41 ff.

[3] '*Marchese.* Fra voi e me vi e qualche differenza. *Conte.* Sulla locanda tanto vale il vostro denaro, quanto vale il mio.'

Most of the political writers of the period were as narrow-minded and provincial as the courts in which they lived. Botero's and his successors' theory of reason of state was, as Professor Titone of Palermo has acutely observed, essentially conservative. Their treatises were handbooks on how to preserve, rather than how to conquer, states. Their rejection of Machiavelli was motivated not least by their fear of a theory of state which could be used to overturn the established social and political order.[1] By the seventeenth century, Tassoni, Persio and Muratori came to see virtue in the very mediocrity of the small Italian state.[2]

But princes and popes, nobles and cardinals were still great builders. The Italian sense of visual form could still find at least a partial outlet in creating churches and palaces, country houses and integrated city squares. In the seventeenth century, capital was withdrawn from industry, trade and banking, but it was still being invested in building. This was not enough for the vitality of the Italians: they turned to speculative philosophy and natural science, where the creative thinker could escape from the social problems of his time. Significantly, wealthy and learned amateurs, such as Duke Federigo Cesi, played a leading rôle in the foundation of the Italian scientific academies. Even some princes, like the grand-dukes Ferdinand II and Leopold of Tuscany, took an active interest in the new science, buying the services of the finest instrument-makers and importing the latest lenses, barometers and thermometers from abroad.[3] For as long as the Inquisition would let it, Italian science led Europe. The fate of Bruno and Galileo showed how precarious, even in these fields, the free exercise of genius had become.[4]

Eventually, only music was left. Into musical expression was poured the finest part of Italian creative genius. It enjoyed advantages which all other fields of creative activity had lost. In church music, the composer could keep that vitalizing contact with the whole Christian community which the painter had lost,

[1] V. Titone, *La politica dell'Età Barocca* (Caltanissetta, 1950), pp. 90–91, and *passim*.

[2] *Ibid.*, p. 255.

[3] A. R. Hall, *The Scientific Revolution, 1500–1800* (London, 1954), pp. 188–90.

[4] See Milton's remarks on his meeting with Galileo in 'Areopagitica', *Works* (Columbia U.P., 1931), iv, pp. 330–31. I am indebted to Professor P. Zagorin for drawing my attention to this point.

even while he was still painting madonnas and crucifixions. It is no accident that Caravaggio, the tragic rebel and fugitive from the established society of his day, found himself attracted to the circle of San Filippo Neri for whom music formed an outstanding part of their spiritual devotions.[1] Bernini, the one great Italian sculptor of the seventeenth century, was convinced that he was God's instrument. 'All that we know,' he said, 'comes from God, and teaching others means taking His place.'[2] It was this mystical view of the religious significance of art which enabled this most fêted of court artists to transcend the narrowness of court life.

But Bernini remained alone, while the number of musicians, composers and violin builders of genius was steadily growing. The small courts, whatever their other limitations, provided the ideal setting for the development of music. Gifted aristocratic amateurs collected groups of musicians in their houses, who developed the modern forms of instrumental and chamber music. It was court society which financed the new operas. In creating this 'spectacle for princes', as it was called, the seventeenth-century artist could develop a universality which rivalled that of the great Renaissance figures. In 1644, John Evelyn noted in his diary in Rome: 'Bernini . . . gave a public opera wherein he painted the scenes, cut the statues, invented the engines, composed the music, writ the comedy and built the theatre.'[3] But more important than such a *tour de force* was the fact that opera, for all its need of court patronage, did not in fact remain the spectacle of princes. It became that of the whole Italian people, from the claque of gondoliers in the seventeenth-century opera house of Venice,[4] to your donkey-guide in Taormina, who will sing to you all the most famous arias from the operas of Rossini, Verdi and Puccini.

* * *

The theory that what occurred in Italy in the sixteenth and seventeenth centuries was a phenomenon of shift, rather than of overall decadence, is borne out by a comparison of Italian history with that of other European countries in the same period. Only a very rapid survey is possible here, and not all the implications of my theory for the rest of Europe can be considered.

[1] W. Friedlaender, *Caravaggio Studies* (Princeton, N. J., 1955), p. xiii.
[2] R. Wittkower, *Gian Lorenzo Bernini* (London, 1955), p. 41.
[3] *Ibid.*, p. 1. [4] Bukofzer, *Music in the Baroque Era*, pp. 395–96.

Only one other country had a history at all similar to that of Italy, and that was Germany. In Germany, as in Italy, the late fifteenth and the early sixteenth centuries saw the culmination of a long development of the visual arts. In Germany, as in Italy, they had flourished in the city-states where the skilled medieval craftsman had developed into the individual artist. If the style of Veit Stoss, of Riemenschneider, Grünewald and even of Dürer remained Gothic, rather than Renaissance and classical, the technical quality of their work and its artistic content made it comparable with that of the great Italian and Flemish masters of the fifteenth century. The collapse, when it came, was much more sudden and much more catastrophic than in Italy. The change to the mannerist style in the later portraits of Cranach and Holbein took place practically without an intervening classical style like that of the High Renaissance in Italy. In Germany, the intermediate phase of the early court-society based on the traditions of the city-state never occurred. The territorial princes, helped by the secularization of church property and, in the case of the Lutherans, the control of a state church, crushed the independent knights and the peasants and strangled the economy of the independent cities. Nuremberg, Augsburg and Strasbourg did not become principalities, as did Milan and Florence. But all their energies were taken up by the fight for economic and political survival in the face of more powerful and efficient rivals. The south-German city-states had been much smaller than their Italian counterparts; their economic basis much narrower. Their financiers tied them as effectively and, in the end, even more disastrously, to the fortunes of the great western monarchies. Already Holbein found more congenial scope for his work in England. After his death and that of Cranach, Germany barely produced epigones in the visual arts. Only towards the end of the seventeenth century was there a genuine revival with the south-German and Austrian baroque style. What little secular literature there had been, and it had been little enough, suffered equal collapse. Not until the second half of the eighteenth century did Germany produce a literary figure of European stature.

In Germany, as in Italy, it was the triumph of the small principalities with their rigid court-society, aping that of France and Spain, which had this blighting effect on the visual arts and on literature. If the collapse was worse in Germany than in Italy, this

was partly due to the aridity of Lutheranism, after the first heroic generation of reformers had passed away—an aridity paralleled in the narrow Catholicism of the Jesuit-dominated courts of the Catholic princes—and to a provincialism much more pervading still than in Italy. There were more of these German courts; they were poorer and, having developed apart from the city-state, they lacked the urbanity which the Florentine tradition could still impart to the grand-duchy of Tuscany.

But, as in Italy, creative energies found other outlets. There is a grain of truth in Marx's malicious remark that the censorship of the German princes whipped the German philosophers into the highest spheres of metaphysical speculation. It was not true of Kepler; but Kepler, though imperial court astronomer, was forced to spend much of his time on astrology; he was never given enough money to buy instruments and died in abject poverty. It was true of the later seventeenth-century philosophers. Divorced from the political life of their states and the social problems of their day, the German philosophers (all good *Untertanen*—subjects of their princes) developed the science and the philosophical systems which were to make German thought famous from the end of the seventeenth century on; but these great philosophers also called forth a well-deserved mockery for their Panglossian lack of a sense of reality.

Even in philosophy, it had taken the Germans until the second half of the seventeenth century to pass through the intellectual desert which followed in the wake of the Reformation and the triumph of the small territorial states. In music, however, the development was much more rapid. To an even greater degree than in Italy, music was the art in which the artist maintained his contact with the community through the church service. The greatest of German seventeenth-century composers, Heinrich Schütz, composed much of his finest religious music while Germany was devastated by the armies of Wallenstein, Gustavus Adolphus and Richelieu. The Thirty Years' War was undoubtedly a great catastrophe for Germany, but it was not the main factor determining German cultural development. Again, as in Italy, the small courts became excellent centres and sponsors of musical life. If, in the eighteenth century, J. S. Bach, the greatest of all German composers, spent most of his working life as organist and cantor of the Thomaskirche in Leipzig, it was not

for want of trying to obtain a position as court composer. Nor was it perhaps entirely fortuitous that Frederic the Great of Prussia was one of the first to appreciate the full greatness of Bach.

The cultural history of western Europe shows no such fundamental shifts as the history of Italy and Germany. In the sixteenth century, the aristocratic court-societies of Spain and France were able to assimilate the artistic influence of Renaissance Italy in their own artistic and literary traditions. France and Spain were world powers who played rôles in the political, economic and religious crises of the sixteenth and seventeenth centuries which Florence, Milan or even Rome could no longer rival. The amazing efflorescence of the Spanish genius in the *siglo de oro*—the paintings of Greco, Velázquez, Zurbarán and Murillo, the plays of Lope de Vega, Tirso de Molina and Calderón, the Don Quixote of Cervantes, the mystic poetry of St John of the Cross, the political and moral debates of the Jesuit and Dominican jurists—these were the achievements of a society which saw itself as the moral leader of a Catholic Christianity, whose kings were arbiters of the destinies of Europe, whose soldiers defended Christendom from Turks and heretics, and whose explorers and missionaries were conquering continents for Spain and Christ. In the long run, Spain had her own weaknesses. With economic collapse and political defeat, the material and psychological basis of the 'golden century' disappeared. The baneful influence of the Spanish Inquisition, already evident in the middle of the sixteenth century in its sinister victory over the Spanish illuminists and Erasmians, became an ever greater handicap to literary production. By the second half of the seventeenth century, Madrid had become as provincial as Milan. There is much that still needs investigating in the decline of Spain in the seventeenth century. But in the early eighteenth century, she could still produce the elegant baroque architecture of Churriguera, and it is perhaps not without significance that Domenico Scarlatti chose to live in Madrid, rather than in his native Italy.

The cultural history of the Netherlands is more difficult to interpret than that of Italy, Germany and Spain, but its pattern is fairly clear. In painting, the fifteenth-century tradition of Van Eyck and Memling continued unbroken in the sixteenth, except of course for stylistic changes. In the seventeenth century, with the

political division between the bourgeois north and the aristocratic south, the two constituent characteristics of the Netherlands style, the courtly and the urban, split as well. But it was a sign of the growing provincialism of the south that its two greatest artists, Rubens and Van Dyck, became cosmopolitan court painters, seeking their patrons as far afield as London, Madrid and Genoa.

By contrast, the cultural development of France and England is much clearer. Nowhere else was it as unbroken as in the two great western monarchies. Politically and economically successful and, in consequence, superbly self-confident, they could allow the free development of the creative spirit of their citizens. Neither the Counter-Reformation in France nor Puritanism in England developed the stifling characteristics of Spanish Catholicism and German Lutherism—perhaps because they never managed to dominate their respective societies for more than very short periods. Frenchmen and Englishmen never became mere subjects of their rulers, and it is significant that, in both countries, political philosophy continued to flourish. Unlike the Germans, English and French philosophers continued to debate the social problems of their day and especially the fundamental problem of the moral justification of political power, that most fruitful debate which the Christian Middle Ages have bequeathed to modern European civilization. Literature, science, philosophy and architecture in England, literature, science, philosophy and all the visual arts in France, these varied forms of creative activity showed that these two countries had successfully adapted at least some of the virtues of the city-state to the dimensions of growing nation-states. At the same time, neither in England nor in France was there the shift of creative activity towards music which was so characteristic of Italy and Germany. Despite great names, such as Byrd and Purcell, Lully and Couperin, music remained only one, and not perhaps the most typical, expression of the English and French genius.

* * *

In this paper I have not attempted to explain the phenomenon of genius. All European countries have had their share of it. Their histories show periods of greater or lesser creative activity. I do not believe that, at least for the last five or six hundred years, it is

possible to speak of the decadence of any European nation in the sense of a biological change. I believe rather that different social developments provide a greater or lesser stimulus, a more or less favourable environment for creative activity in different fields of human endeavour. Neither do I want to propound a theory of social determinism. Styles in art, literature or music depend on developments inherent in their nature, as well as on outside influences. Art and music historians have long since recognized that the work of even the most revolutionary genius must be seen within the tradition of his own art and does not exclude the writing of a meaningful, systematic history of style. What I have attempted to do here is to widen this approach and to relate the whole complex of cultural histories to the history of European society. It is in this way, I believe, that a more profound understanding of western civilization may be found.

THE TREATY OF BRÉTIGNY, 1360

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THE course of events, military and diplomatic, which led from the battle of Poitiers (19 September 1356) to the ratification of the treaty of Brétigny (24 October 1360) was fully worked out, half a century ago, by Delachenal, in his great *Histoire de Charles V*.[1] His narrative, and his treatment of the policies and ambitions underlying the events, have won general acceptance.[2] He had studied the French evidence apparently exhaustively and showed himself to be well acquainted with the English documents. It was he who first suggested that a document bound up into Cotton MS. Caligula D.III was a draft of the terms agreed upon in May 1358, and this, among other things, enabled him to give a connected and intelligible account of the diplomacy of these years, which is poorly documented even by medieval standards.

The story he tells may be summarized somewhat as follows. Negotiations were opened, at the instance of the papacy, while the Black Prince and his royal captive were still at Bordeaux. These resulted in a truce (23 March 1357),[3] which was to last until 9 April 1359, and in a preliminary, secret agreement on the terms of peace, of which nothing is known. When the Black Prince had brought King John to London, negotiations were reopened in England; and in course of time these produced an agreement which Delachenal called 'the first treaty of London' (May 1358). The terms of this agreement, so far as they can be reconstructed (for no formal document is known to survive), he regarded as

[1] R. Delachenal, *Histoire de Charles V*, ii (Paris, 1909, repr. 1927), chapters II–VI. I am very much indebted to Dr Chaplais, Professor W. Croft Dickinson and Professor J. G. Edwards for reading this paper in draft and for their help and criticism; but I must take responsibility for the opinions expressed herein.

[2] T. F. Tout, *Chapters*, iii (1928), pp. 221–30; E. Perroy, *The Hundred Years War* (London, 1951), pp. 136–40.

[3] Rymer, *Foedera* (Rec. Comm. ed.), III. i, 348–51.

reasonable and moderate, and as anticipating, in a remarkable way, the terms later accepted at Brétigny. The treaty was not implemented, however, for a number of reasons, of which one was, in all probability, the failure of the French to raise the first instalment of King John's ransom by the appointed day. Negotiations were resumed early in 1359, when the end of the truce was already in sight; and these resulted in an extension of the truce to 24 June and in a new draft treaty, Delachenal's 'second treaty of London' (March 1359). The terms, since they demanded the surrender of quite half the kingdom of France, were clearly impossible and were summarily rejected by the French Estates assembled in Paris. Edward therefore proceeded with the great campaign which he had been preparing and which was launched in November. It met with so little success that when the French made contact, late in April 1360, Edward was prepared to negotiate once more. The agreement, known as the treaty of Brétigny (more properly the articles of a treaty, for it was drawn up in the names of the two princes and required ratification by the two kings), was produced in three or four days, an achievement which was only possible, Delachenal thought, because it represented, for all practical purposes, a return to the terms of 1358.

This treaty, which gave to Edward an enlarged and sovereign Aquitaine in return for his renunciation of the French throne, has always been considered as a great triumph for him, since it gave him what he had been fighting for. His claim to the French throne and his assumption of the title had been but tactical devices, readily expendable for solid advantages; his real objective had been an Aquitaine freed from the restrictions upon the king-duke's authority there which had been imposed by the treaty of Paris (1259) and subsequent French policy, restrictions which were rapidly reducing that authority to nullity. All this he had achieved with territorial extensions thrown in. When, however, the treaty was ratified at Calais in October 1360, the provisions relating to King John's formal renunciation of his rights and sovereignty in those territories which the treaty assigned to Edward, with Edward's renunciation of the French throne and all that he was giving up by the treaty, were taken out of the main document and embodied in a separate agreement (*Littere cum clausula c'est assavoir*), which also laid down the procedure by which these renunciations were to be made and the date, about a year later,

when the final exchange of documents should take place. In the event, these renunciations were never made; and this fact enabled King Charles V to argue, later on, that since the sovereignty of the king of France over Aquitaine had never been formally surrendered he was legally entitled to accept the appeals which precipitated a renewal of the war. In the fighting which followed, the French recovered much more than they had lost during the years from 1340 to 1360. To Petit-Dutaillis and Collier,[1] writing some years before Delachenal, this possibility had been foreseen by the Regent Charles, as he then was, at the time of the ratification; and it was he and his advisers (it could not have been King John, who had shown himself to be interested in little but his personal freedom) who were responsible for this postponement of the renunciations, thus putting off the evil day, as it turned out, for ever. To Delachenal, as to others, such diplomatic prescience was scarcely credible; but he, on the assumption that the French had most to lose by the full implementation of the treaty (for John was abandoning all rights over extensive parts of his kingdom while Edward gave up no more than 'prétentions chimériques et surannées, qu'il était impuissant à soutenir'[2]), regarded the separation of the renunciation clauses from the main treaty, and their postponement,[3] as a diplomatic victory for the French, since it made the whole treaty conditional upon the carrying out of the renunciations in due form and on the prescribed date. If this condition was not fulfilled, 'il n'y avait plus de traité de Brétigny'.[4] Edward, that is to say, who had harvested his military victories at Brétigny, was defeated by French subtlety[5] at Calais, a notion which has appealed to historians on both sides of the Channel.

There is much that is arguable in this thesis, but to argue it fully would demand a lengthy treatise. A systematic re-examination of all the evidence, both in England and in France, might well be very rewarding, but this is not being attempted here. Delachenal based his narrative upon a very extensive body of evidence, and the argument of this paper is founded, essentially, upon that same body of evidence, with all the limitations which

[1] Ch. Petit-Dutaillis and P. Collier, 'La Diplomatie française et le Traité de Brétigny', *Moyen Age*, x (1897), pp. 1–35.

[2] Delachenal, *op. cit.*, ii, p. 243.

[3] *Ibid.*, p. 244.

[4] *Ibid.*, p. 248.

[5] *Ibid.*, pp. 248 and 250, n. 1.

that may imply. Its object is to re-open questions rather than to try to settle them.

Little is known of the course of the negotiations[1] leading to the agreement of 1358, Delachenal's 'first treaty of London'. The comings and goings of envoys can be chronicled from the record of safe-conducts issued to them,[2] but there is nothing to tell us what they did or what they said. Knighton, however, has a story which is worth remembering, though it is not directly supported by any other evidence. He says that the papal envoys, who were then in England, opened the proceedings early in July 1357 by offering Edward 'all the lands of his ancestors' as a basis for negotiation. To this Edward replied shortly that if some of these lands were temporarily out of his possession, he would recover them when God willed, 'and he said to them that they should speak of the crown of France, which he claimed'. The envoys answered that their commission did not extend to such difficult matters, and the discussions were adjourned for a while.[3]

Negotiations were resumed in the autumn, and the agreement that was eventually reached must have been dated 8 May 1358.[4] No formal instrument embodying its terms is known to survive, but evidence of its nature is not lacking. Delachenal thought that a document, now bound up with others in Cotton MS. Caligula D.III,[5] might be an early draft, representing perhaps the report which the French envoys presented to the dauphin and his council on 27 January 1358.[6] This document bears no note of identifica-

[1] Delachenal, *op. cit.*, ii, pp. 47–67.

[2] Treaty Rolls 35 and 36 (Rotuli Franciae, 31 and 32 Edward III). Delachenal's narrative could be usefully supplemented here.

[3] Knighton, *Chronicon*, ed. J. R. Lumby (R[olls] S[eries], 1889–95), ii, pp. 94–95.

[4] *Chronica Johannis de Reading et Anonymi Cantuariensis*, ed. J. Tait (1914), p. 208; *Chronique des règnes de Jean II et de Charles V*, ed. R. Delachenal (Soc. de l'hist. de France, 1910-20), i, p. 176. Walsingham (*Historia Anglicana*, ed. H. T. Riley, R. S. (1863–64), i, p. 284) gives the date as 2 May.

[5] British Museum, Cotton MS. Caligula D. III, 84–88, printed in Delachenal, *op. cit.*, ii, pp. 402–11. The printed text could be improved considerably.

[6] *Chronique . . . de Jean II et de Charles V*, i, pp. 143–44: 'Le Samedy xxvii[e] jour du mois de janvier, les messages du roy qui estoient venus d'Angleterre . . . firent leur rapport au duc de Normandie, en la presence de pluseurs de son Conseil . . . sur le traictié de l'accort fait en Angleterre . . .'

tion or date; for the most part it is written in the language of an agreement but ends with a note of two matters which were 'also discussed'. This and the title—'Le Trattie et la parlaunce de la paix parentre nostre seignur le Roi et la partie de France'—both suggest that it is the report of a formal conversation between the two kings; a study of its provisions and its terminology leave no doubt that it belongs to the negotiations of 1357–58. It is written in an English hand with many corrections in the text, some of which may be significant. The king of England, for instance, is referred to as 'nostre seigneur le Roi' or 'le roi d'Angleterre', and in nearly every case these words have been written over an erasure.[1] Perhaps there had been some difficulty over Edward's titles: perhaps the non-committal style had been adopted to make the report acceptable to the French. We can only guess; but, whatever its precise nature, there can be little doubt that this document records the points agreed upon at some stage in these negotiations. Another document from Cotton MS. Caligula D.III, also used by Delachenal,[2] briefly reports a conversation between the two kings at Windsor, evidently at the time of the festivities of St George there in April 1358. This report refers to the agreement as already concluded in principle and states that the final details were to be worked out by the two commissions sitting in London with the cardinals. In addition, Delachenal quotes several official documents concerned with the collection of King John's ransom[3] as fixed by the agreement; and there is a very precise reference both to the terms and the date in the chronicle of the Anonymous of Canterbury,[4] published after Delachenal's book.

[1] The ultra-violet lamp has so far failed to reveal the words erased.

[2] Cotton MS. Caligula D.III, 129; Delachenal, *op. cit.*, ii, pp. 66–67. This text could be improved also.

[3] Delachenal, *op. cit.*, ii, p. 63, n. 2, and pp. 70–73.

[4] *Chronica Johannis de Reading et Anonymi Cantuariensis*, p. 208. Other English chroniclers were not very clear about the agreement: Knighton, ii, p. 99 (ransom one million marks, 14 hostages); John of Reading, *Chronicon*, p. 128 (ransom 600,000 florins before release, to be paid by 11 November plus hostages); Walsingham, *Hist. Ang.*, i, p. 284 (ransom 600,000 florins by 11 November and hostages); Sir Thomas Gray connects the agreement with Anglo-papal affairs, *Scalachronica* (ed. J. Stevenson, 1836), p. 177. The French give no details: *Chronique normande*, ed. A. and E. Molinier (Soc. de l'hist. de France, 1882), p. 123; Jean le Bel, *Chronique*, ed. J. Viard and E. Déprez (Soc. de l'hist. de France, 1904–1905), ii, p. 240; *Chroniques . . . de Jean II et de Charles V*, i, pp. 176–77.

The territorial provisions, as given in the first Cotton document, are that Edward should have—in addition to what he already held in Guienne, Gascony and the Channel Islands—Saintonge, Angoumois, Poitou, Limousin, Quercy, Périgord, Bigorre, Gaure and the Agenais, with Ponthieu, Calais and its neighbourhood and the county of Guines, all in full sovereignty. This is supported by the statement of the Anonymous of Canterbury that Edward should have 'all Gascony and Aquitaine, with the Agenais and the town of La Rochelle, without doing homage or service or paying tribute to anyone', together with Calais, Guines and certain other places.[1] The Cotton document puts the ransom at 4 million 'florins d'or à l'écu', with a first instalment of 600,000 florins to be paid before release.[2] The French documents quoted by Delachenal confirm the figure for the first instalment, and add that it was due by 1 November[3] (the Anonymous of Canterbury doubles the figure for the whole ransom and says nothing about the instalments).[4] Other points of importance in the Cotton document—the detailed provisions for hostages and for the settlement of the Breton dispute (with the stipulation that, whatever the outcome, the sovereignty of Brittany should remain with the king of England), and the demand that the king of France should break his alliance with the Scots and make an alliance with England—are not specifically confirmed by other evidence, but a comparison with the corresponding provisions in the other documents of the series suggests no reason for doubt. The text of the Anonymous of Canterbury is defective at the point where he seems to be saying that the king of France should secure the pope's confirmation of the agreement and oaths from the magnates of his realm;[5] and the report of the kings' conversation at Windsor adds what may have been the vital point—that the terms of the agreement must be fulfilled to the letter and to the day or the whole would be void.[6]

This is the agreement which Delachenal regarded as moderate and reasonable, as foreshadowing the treaty made at Brétigny; and certainly this is the impression it must give at first sight, particularly if compared with the articles of 1359. But it does not

[1] Delachenal, *op. cit.*, ii, pp. 402–405; *Chronicon*, p. 208.
[2] Delachenal, *op. cit.*, ii, p. 407.
[3] *Ibid.*, p. 63, n. 2. [4] *Chronicon*, p. 208.
[5] *Ibid.* [6] Delachenal, *op. cit.*, ii, pp. 67, 69.

seem to have been noticed that there is nothing in the surviving documents, so far as they go, to suggest that Edward made any concessions whatever. The documents speak only of the conditions to be fulfilled by King John in order to obtain his release. If this were in fact the nature of the agreement, it would have left Edward with the title 'king of France', a title which had already won recognition in many parts of France, and, in favourable circumstances, might be accepted in many more; and, moreover, in addition to the territories and rights which would have been surrendered to him, it would have left him free to maintain his military hold on Brittany, his military foothold in Normandy, his hold on Calais and its protective ring of fortresses and the castles which were being seized and held in his name (at least nominally) in almost every part of France save the Midi, and his alliance with Charles and Philip of Navarre and with the Flemings.[1] Such an agreement does not look like an attempt to make a general settlement. It seems to be concerned simply with the ransom which King John must pay and the conditions he must fulfill in order to secure his release, leaving the dynastic question and many other issues of the war undecided, and, since the ransom was calculated to wreck his finances, to put King John in a position of helpless dependence upon Edward, who, should he ever decide to renew the war on one pretext or another, would do so in more favourable circumstances than ever before.

These observations, since they might put such a different complexion upon the negotiations of 1357–58 and Edward's presumed objectives therein, are bound to provoke a number of questions. Is it possible, for instance, since we have no text of the final agreement, that Edward's concessions have been mislaid? Or, if in fact he did offer no concessions, is it conceivable that the French would have accepted an agreement which, in its ultimate implications, was every bit as severe as the treaty of 1359 which they rejected?

On the first question there is the positive point that the English chroniclers speak of this agreement, so far as they distinguish it clearly, as though it were concerned simply with King John's ransom,[2] something that we might call, for convenience, a 'ransom treaty'; and this evidence is somewhat strengthened by the

[1] Le Patourel, 'Edward III and the Kingdom of France', *History*, xliii (1958), pp. 179–89.

[2] Above, p. 23, n. 4.

fact that Edward had just negotiated two other treaties of precisely the same character. These were the treaty of Westminster (August 1356),[1] the agreement by which Charles of Blois, duke of Brittany, was released from prison, and the treaty of Berwick, dated 3 October 1357 (concluded, that is, while the negotiations with the French were in progress), which laid down the conditions on which David II of Scotland was allowed to return to his country.[2] In each case the captive bound himself to pay a sum proportionately so great that neither ransom was ever paid in full; in each case the captive was released on parole until the ransom should be fully paid, and must give himself up if payments failed;[3] in each case Edward made no concessions whatever in respect of his claims and possessions in Brittany or Scotland. Subsequent events in both countries make it clear that these were regarded simply as 'ransom treaties', independent of any general settlement that might be concluded later on. It is also worth noting that, in the agreement which Edward made with Charles of Navarre in August 1358, the crown of France was specifically reserved to Edward;[4] and it is at this point that Knighton's story of Edward's insistence on the primacy of his claim to the throne of France may appropriately be brought to mind. Ransoms were a military convention of the time, and they could be made to serve military and political purposes. The difficulties to which King David's ransom gave rise in Scotland, and those caused later by King John's ransom in France, are significant. It is likely that such ransoms were regarded as a continuation of the war 'by other means'. Why should not Edward apply to King John the technique that he was applying to other rulers who had fallen into his hands?

[1] *Foedera*, III. i, 336–37; *cf.* E. Déprez, 'La Querelle de Bretagne', *Mém. Soc. d'hist. et d'arch. de Bretagne*, vii (1926), pp. 25–60; F. Bock, 'Some new documents . . .', *Bull. John Rylands Library*, xv (1931), pp. 60–99.

[2] *Foedera*, III. i, 372–74; *cf.* E. W. M. Balfour-Melville, *Edward III and David II* (Historical Assoc. Leaflet, 1954); G. Burnett, *Exchequer Rolls of Scotland*, ii (1878), pp. xxxvii ff. The history of the earlier treaty of Berwick, 1354 (*Foedera*, III. i, 281, 291, 293), and the obvious relation it bears to the course of the negotiations with the French in 1354–55, show that events on the French and Scottish fronts were intimately connected at this time.

[3] This provision is not found in the documents we have for the 1358 agreement with the French, but it appears in 1359 (§ 39), and King John's return to England in 1363 is well known.

[4] *Foedera*, III. i, 228; Delachenal, *op. cit.*, ii, pp. 1–7.

But was it likely that the French would accept such a 'ransom treaty'? Those in France who, Delachenal thought, were unenthusiastic for King John's return might well have been those who saw the implications most clearly, and the rejection of the treaty of 1359 shows that the French did not lack courage. But things were really desperate in 1357–58. Apart from the turbulent Estates, the Jacquerie, Charles of Navarre, his brother Philip and the ambiguous position of the dauphin until he assumed the authority of regent in March 1358, there was the stranglehold of the companies, still believed to be operating in Edward's name and under his control. Delachenal seems to have been misled by a passage in the *Grandes Chroniques*, which, he thought, implied that the dauphin and his council were pleased with the terms. What the chronicle says, however, is this: 'The said treaty greatly pleased the said duke and his councillors, *so they said*.'[1] The *Chronique normande* complains that nothing could be found out about it in Paris.[2] The regent and his council may well have felt, at that time, that King John's acceptance of the treaty could hardly be ignored and that, disastrous as its terms might be, they were not likely to do much better. If so, it would be wise for them to put a bold face on it and keep the documents on the secret list as long as possible. But the treaty must have been accepted in principle, for the first instalment of the ransom was being collected during the summer.

It is difficult to say precisely when or why the treaty of 1358 failed. The Anonymous of Canterbury suggests that the French put off ratification from date to date through the summer;[3] Walsingham states that they refused to produce the hostages;[4] Anglo-papal differences may have had something to do with it.[5] In any case the first instalment had not been paid by November 1;[6] and if Edward had insisted that the whole treaty was dependent upon punctual and precise performance, he could take this as

[1] *Chroniques . . . de Jean II et de Charles V*, i, p. 144: 'Le quel traictié plot moult aus diz duc et conseilliers, si comme ilz disoient.'

[2] *Chronique normande*, p. 123: 'De ces lectres ne peurent riens savoir ceulz des III estaz par le regent ne par son conseil . . .'

[3] *Chronicon*, p. 208.

[4] *Hist. Angl.*, i, p. 284.

[5] Tout, *Chapters*, iii, p. 221; Delachenal, *op. cit.*, ii, pp. 73–77

[6] *Ibid.*, pp. 72–73.

justifying a breach. John of Reading says that he told the French to prepare for war on 20 November[1] (the papal envoys had already left the country two months earlier, by 22 September);[2] the earliest order for the mobilization of a fleet is dated 6 December.[3] By January 1359, preparations for what was intended to be the decisive campaign in France were well under way, and the agreement of 1358 was quite dead.

There is no evidence relating directly to the negotiations which led to a prolongation of the truce from 9 April to 24 June 1359 and to the agreement dated 24 March, Delachenal's 'second treaty of London'. But in this case we have the full text (no 'original', but several copies, and they would be worth re-editing), so that there can be no doubt of its provisions.[4] The form of the document is that of an indenture recording 'the points and articles discussed and negotiated at London', to the English part of which the king of England put his privy seal. It is, however, only the articles of a treaty, and leaves several matters over for further discussion.

This has always been regarded as a very tough treaty, as marking the point at which Edward overplayed his hand. The ransom remained at the same figure as in 1358, but Edward's territorial demands were much heavier, including Touraine, Anjou, Normandy and the county of Boulogne in addition to all that had been asked in the earlier agreement; and, as before, all were to be conveyed in full sovereignty, so that they should be completely and effectively severed from what was left of the kingdom of France.

[1] *Chronicon*, p. 128. This story is repeated by Walsingham.

[2] Exch[equer] K. R., Acc[ounts] Var[ious], 508/27.

[3] *Foedera*, III. i, 412–13.

[4] Printed (indifferently) in Froissart, *Chroniques*, ed. Kervyn de Lettenhove, xviii (1874), pp. 413–33, and E. Cosneau, *Les grands traités de la Guerre de Cent Ans* (1889), pp. 3–32. Delachenal (ii, p. 81, n. 1) lists three copies (two of the fourteenth century); there is a fourth in the John Rylands Library (F. Bock, 'An Unknown Register of the Reign of Edward III', *Eng. Hist. Rev.*, xlv (1930), p. 370). Although the date is given, in the text, as 'le xxiiii^{e} jour de mars, l'an de la Nativité Nostre Seigneur, l'an mil trois cens cinquante et neuf', the year can be none other than the historical year 1359; *cf.* the account of Denys de Collors, printed in *Notes et documents relatifs à Jean de France et à sa captivité en Angleterre*, ed. Henry d'Orléans, duc d'Aumâle (Philobiblon Soc., 1854), pp. 87, 113, 125, 138; nor can there be any doubt that this was the very treaty which was rejected by the French Estates on 25 May 1359 (*Chroniques . . . de Jean II et de Charles V*, i, pp. 232–36).

Other provisions, such as those relating to the delivery of hostages, the restoration of their lands and possessions to those banished or disinherited by either side, and the detailed mechanism of the transfer of territories and sovereignty, amount to much the same as in the Cotton document of 1357–58, but, as we should expect, are set out more fully and with greater definition. In particular it is stipulated that the French king should remain the 'loyal prisoner' of the king of England and his heirs until the terms of the treaty were fully and completely carried out, and that if he failed in any respect he would give himself up again. This time, however, Edward promised that when the king of France had carried out all the territorial provisions of the treaty, he would renounce 'the name, crown and kingdom of France . . . and all that he ought to renounce', for himself and his heirs, without prejudice to their rights in the territories to be ceded to them.[1] Questions concerning the restoration to the king of France of castles occupied by English forces but situated on lands which were to remain to him, the manner of his return to his own country, the Anglo-Flemish and the Franco-Scottish alliances, were reserved for further discussion.

At first sight it appears that the significance of this treaty might be that Edward had been persuaded to give up his claim to the kingdom of France in return for additional French territories; but when the territorial concessions demanded of the king of France are put on a map, doubts must arise. For what was being asked was half the kingdom, including some of the richest provinces and including the whole coastline from Calais to Bayonne, and all this was to be wholly and eternally detached from 'the kingdom of France'. Did anyone seriously suppose that these territorial provisions could be carried out, or, if they were, that the rump of the kingdom of France could have survived as an independent state? Did Edward promise to renounce the throne of France knowing that the conditions precedent to his renunciation could not be fulfilled? The casual way in which his promise appears in this indenture, when compared with the elaborate undertakings and securities demanded of the king of France for all that he had to do, certainly suggest that Edward's promise was lightly made. Similar doubts arise over the terms of the ransom. The total figure remained the same as in 1358; but whereas the French had then

[1] Cosneau, *op. cit.*, p. 17.

been given six months in which to raise a first instalment of 600,000 florins, they were now given but four months in which to raise 3 million.[1] This was so patently impossible that it is hard to believe that King Edward and his council, perhaps even King John, did not know it.

How did this preposterous treaty come to be drawn up? No trace has been found, so far, of any French delegation coming to England in the early months of 1359; and as the indenture was taken to Paris by a group of French prisoners released on parole for the purpose,[2] it is likely that none came. If so, it suggests that the treaty was negotiated by King John himself, with such *familiares* as were with him at the time. During February and March mobilization for Edward's great campaign was in full swing and the truce of Bordeaux was due to expire on April 9. There was no mystery about Edward's intentions. This was to be the final blow, delivered by all his armies acting together as one huge force and culminating in Edward's coronation as king of France in Reims Cathedral. There can be little doubt that King John negotiated this treaty as a desperate man, as one who would agree to almost anything—not for his personal liberty, as French historians have so uncharitably suggested—but to delay, if possible to avert, the invasion that might well destroy his country.

It is not so easy to see why Edward should have agreed to negotiate. His preparations were going slowly—in the event he was not ready to move until late in the autumn—and he certainly had nothing to lose by the grim farce of proposing terms which could not be carried out. But was there anything to be gained by it? Did he think that a French refusal or failure to implement would help him to raise enthusiasm for the campaign he had certainly decided upon? What actually happened is well known. When, by a tremendous effort, the Regent Charles had brought the Estates together, they rejected the treaty as neither acceptable nor practicable.[3] For all the difficulties which remained, the situa-

[1] By the agreement of 8 May 1358 the first instalment of the ransom was due by 1 November following: by this agreement of 24 March 1359 the first instalment was due by 1 August following.

[2] Delachenal, *op. cit.*, ii, p. 84; *Foedera*, III. i, 423, 425.

[3] 'Et après ce que ilz orent eu deliberacion, ilz respondirent au dit regent que le dit traictié n'estoit passable, ne faisable. Et pour ce ordenerent à faire bonne guerre au dit Anglois'—*Chroniques . . . de Jean II et de Charles V*, i, p. 236.

tion in France was a good deal less menacing than it had been a year earlier.

When Edward was persuaded to negotiate again, at the end of April 1360, agreement was reached in a few days. To Delachenal this seemed possible only because the treaty of Brétigny,[1] dated 8 May, was, in effect, a revival of the agreement of 1358, which only needed to be modified in detail.[2] No doubt the negotiators were not starting, as it were, from the beginning; the ground had been worked over many times in the past three years; but the total effect of this treaty was very different from either of its predecessors.

For on almost every major point Edward had to give way. The territorial concessions demanded of the French seem very similar to those of 1358, if much less than those of 1359; but although Aquitaine is defined rather more generously,[3] this would not compensate for the loss of the sovereignty of Brittany, which he had exercised *de facto* for the past eighteen years. King John's promise to renounce his sovereignty over the lands assigned to Edward in 1358 was balanced then by no comparable renunciation on Edward's part, so far as we know. But now in 1360 he undertook to renounce, after the king of France had made his renunciation, 'the style, right and crown of the kingdom of France', the 'homage, sovereignty and domain of the duchy of Normandy, Touraine, and the counties of Anjou and Maine', 'the sovereignty and homage of Brittany' and 'the sovereignty and homage of the county of Flanders'. Moreover, these renunciations would not be empty words, the abandonment of 'prétentions chimériques'. In some sense he had possessed all these things; he had even gone a long way towards establishing his claim to the throne of France; and if his possession had never been more than partial, the king of France, on his side, had not been able to exercise his sovereignty over Aquitaine since the war began and it had been constantly opposed for half a century before that.[4]

[1] *Foedera*, III. i, 487–94; Cosneau, *Les grands traités*, pp. 33–68, 173–74.

[2] Delachenal, *op. cit.*, ii, pp. 196–201.

[3] Rouergue was added in 1360 and Poitou defined more precisely.

[4] P. Chaplais, 'English Arguments concerning the feudal status of Aquitaine in the Fourteenth Century', *Bull. Inst. Hist. Research*, xxi (1948), 203–13; 'Le duché-pairie de Guyenne', *Annales du Midi*, lxix (1957), pp. 5–38.

King John's ransom was reduced from four to three million florins, of which 600,000 was to be paid before his release (or within 7 months) and the remainder in annual instalments of 400,000, a somewhat more realistic schedule. Edward must give up his alliance with the Flemings in return for John's abandonment of the Scots, and the castles which the English had occupied in territories which were to remain French must be evacuated.

Now, however these concessions of Edward's may be reckoned individually, together they represent a very big change, and above all a change of principle. Hitherto Edward had been insisting upon a 'ransom treaty' (for the treaty of 1359, so far as it is to be taken seriously, was little more than that), and he no doubt regarded such a treaty as an incident in the long-term pursuit of his objectives. But in 1360 there was give and take; and what emerged was a treaty that might form the basis of a general settlement.

Such a radical change can only be understood if we admit that Edward had suffered a real defeat in the winter campaign of 1359–60. It was not that he had been beaten in the field, for the French had wisely refused to meet him; it was not that his army was demoralized by the storm on Black Monday; it was the fact that King Edward, the Black Prince, the duke of Lancaster and all those commanders who had been so successful on their own, could now take over to France one of the largest armies ever seen there and achieve nothing.[1] The walls of Reims had held and there was no coronation in the cathedral; whatever Edward was trying to do in the suburbs of Paris produced no result; he was in full retreat when the French made contact and induced him to negotiate.[2] Only the fear of imminent disaster, and the realization that his vast effort had not advanced his cause one inch, can have persuaded him to negotiate in such a situation; and the differences between the treaty of Brétigny and the two preceding attempts to

[1] Save, if it can be regarded as an achievement, the ransoming of Burgundy (Delachenal, *op. cit.*, ii, pp. 161–72). For the army, see A. E. Prince, 'The Strength of the English Armies in the Reign of Edward III', *Eng. Hist. Rev.*, xlvi (1931), pp. 367–68.

[2] *Cf.* the words attributed to Lancaster by Froissart (*Chroniques*, ed. S. Luce, vi, p. 4), 'Si vous conseille que, entrues que vous en poés issir à vostre honneur, vous en issiés et prendés les offres que on vous presente; car, monsigneur, nous poons plus perdre sus un jour que nous n'avons conquis dedens vingt ans.'

reach agreement are the measure of his fear, his disillusion,[1] and the growing strength of the French government.

It was the French, then, who were victorious at Brétigny, and their victory had been won by keeping their heads in a desperate crisis. They had forced Edward to compromise, to agree to give up his claims and much of his possessions in France. But this agreement at Brétigny was provisional. It still had to be ratified by the two kings at Calais; several matters—mostly concerned with the practical application of principles agreed at Brétigny—were left for discussion when the two kings should meet; and, most important, the French had to find the first instalment of the ransom and do several other things.

The matters specifically referred to the meeting of the kings at Calais were these: they were to discuss and decide how and when the renunciations should take place; when and in what manner the hostages should be released; and the two parties to the Breton dispute were to state their case before the kings who were to do their best to bring about a settlement: it is implied, though not directly stated, that this last should take place at Calais. Evidently something in the nature of a conference was envisaged, for at any moment the discussion of such matters might throw up questions of principle, and the two kings would not wish to make decisions until every point had been fully investigated and discussed.

That such a conference took place is well known, but its nature has been misunderstood. Delachenal thought that there was little for it to do, apart from the question of the renunciations,[2] and Tout described it as a 'fortnight of frenzied negotiation',[3] for both thought that the business was transacted between Edward's arrival on 9 October and the ceremony of ratification on the 24th. The sheer number of formal documents produced at Calais[4] alone

[1] Edward himself seems to have had no part in the negotiations at Brétigny, but he accepted the terms a month or so later.

[2] Delachenal, *op. cit.*, ii, p. 241. [3] *Chapters*, iii, p. 229.

[4] *Foedera*, III. i, 514–47. Some reality is given to this mountain of clerical labour by notes of payments to certain clerks 'pro labore suo ac scriptura diuersorum litterarum instrumentorum et aliorum munimentorum tractatum pacis inter nos et carissimum fratrem nostrum Francie apud Cales' nuper habitum tangencium', to John Bras 'pro officio spigurnelli ibidem facto', to William Winterton 'pro irrotulamento litterarum instrumentorum et aliorum munimentorum predictorum ac pro labore et expensis suis eundo

makes this improbable. But Chaplais has shown that it was a much longer,[1] and a consideration of the time-table will show it to have been a far more elaborate affair. It is exasperating that the only records of its proceedings known to survive are the formal documents and the expense accounts of some of the English envoys.

According to the time-table prescribed at Brétigny, King John was to be brought to Calais by 15 July. Within three weeks of his arrival there both kings must have sought and obtained papal approval of the terms and all the dispensations and absolutions that might be required. The first instalment of the ransom must be paid within four months of John's arrival in Calais; when this had been done, and when certain of the hostages (specified by name) had surrendered themselves (some had been prisoners since Poitiers), and when the town and fortresses of La Rochelle and the county of Guines had been handed over, all within the same four months, the king of France would be released. The precise point at which the treaty would be ratified was not prescribed; Edward, no doubt, would have to be satisfied that these stipulations were being carried out; but letters of confirmation were to be exchanged within one month of the release of the king of France, when he was at last a free agent. The provision that he should be maintained free of charge during his first month at Calais, but should pay 10,000 royals for his upkeep in each subsequent month that he stayed there 'par deffaut de lui ou de ses gens', was presumably intended to discourage delay. Finally the surrender of all rights and sovereignty in the territories which the king of France was giving up by the treaty was to be completed by Michaelmas 1361 at the latest.

Edward returned to England ahead of his army, reaching Westminster on 19 May. King John published his acceptance of the treaty in letters dated 22 May; but Edward made no move until the kings exchanged promises of ratification on 14 June. Delachenal was puzzled by this delay;[2] but it is easy to understand that Edward would wish his experts to study the terms agreed upon so

de Castro de Farnham vsque Ciuitatem nostram London' pro certis transcriptis quarumdam litterarum obligatoriarum dictum tractatum tangencium scribendis . . .' Warrants for Issue, file 41 (13 March).

[1] P. Chaplais, 'Some Documents regarding the fulfilment and interpretation of the treaty of Brétigny', *Camden Miscellany*, xix (1952), pp. 6–7.

[2] Delachenal, *op. cit.*, ii, pp. 211–12, 216–18.

hastily in his name at Brétigny before he committed himself personally to them. Arrangements were soon put in hand for transferring King John to Calais, where he landed on 8 July after a leisurely journey.[1] There was much to be done on both sides. The chief problem facing the French was to raise the first instalment of the ransom. The Regent had set about this as soon as the agreement at Brétigny was concluded;[2] a commission was appointed on 22 July to receive the cash at Saint-Omer,[3] and the Regent himself arrived there, to supervise the collection, in August.[4] Preparations also had to be made for the surrender of La Rochelle and Guines and the assembling of the hostages.[5] Edward, who might still feel that he had been caught at a disadvantage and rushed into this treaty, had to decide on a policy and select the men who were to conduct the effective negotiations before he himself went to Calais for the final formalities. The evidence suggests that a complete plan and time-table had been drawn up by the end of July at the latest.

The plan envisaged preliminary contacts at clerical level, followed by an imposing delegation of 'magnates of the council', under whose supervision the effective negotiations would be carried on before the king arrived. John Brancaster was sent to Calais from 29 July to 5 August on a mission later described as 'secret business with which we charged him before we sent the magnates of our council there';[6] Walter 'de Roka' was there from 10 August until 9 September, apparently negotiating for the transfer of Guines;[7] Miles Stapleton from 13 August to 7 December[8]—and no doubt other traces of this first stage could be found. In France, the Regent moved from Saint-Omer to Boulogne on 23 August:[9] on the following day the English 'magnates of the council', headed by the Black Prince and the duke of Lancaster, left their respective castles and palaces for Calais, and remained there until early in November.[10] They had drawn a prest on their

[1] Delachenal, *op. cit.*, ii, pp. 218–19. [2] *Ibid.*, pp. 221 ff.
[3] *Ibid.*, pp. 226–27. [4] *Ibid.*, p. 241, note 2. [5] *Ibid.*, p. 220.
[6] Pipe Roll, 33 Edw. III, m. 36; Warrants for Issue, file 41 (19 April): 'du temps q' nous lui enuoiasmes ore tard' de Londres tanq' a nostre ville de Caleys pur aucunes secrees busoignes dont nous lui auions chargez; deuant ce q' nous y enuoiasmes illeoqes les grantz de nostre conseil'.
[7] Pipe Roll, 35 Edw. III, m. 43.
[8] Warrants for Issue, file 40, no. 73. [9] Delachenal, *op. cit.*, ii, p. 241.
[10] Exch. K. R., Acc. Var. 314/1–12, 620/12; Pipe Roll, 35 Edw. III, m. 51.

wages at the treasury on 6 August,[1] and as these were then stated to be payable as from 24 August the timing of the embassy had been settled at least three weeks in advance. Edward seems to have thought that a fortnight or so would suffice for their work; for the preparations for his own journey can be traced back to 6 August and he was standing by with his ships in Sheppey as early as 6 September, waiting for the news that all was ready at Calais.[2] Walter 'de Roka' reported to the council at Dover on 9 September,[3] but the news he brought cannot have been encouraging. Sir William Burton, who had been in Calais 'super tractatu pacis' since 1 September, came to the king at Sandwich a month later, on 6 October, and returned to Calais on the same day 'super tractatu predicto'.[4] It must have been he who finally gave Edward the signal, for the king arrived in Calais on the 9th.[5]

All this gives the impression of negotiations carefully planned and controlled at least until early in September. The difficulties which then arose were unexpected; for when Brancaster was again sent to Calais on 31 August, the king had told him that he did not think that the business should last very long.[6] But during September some very strenuous negotiating must have been carried on, and these are not the conditions in which one side could hoodwink the other very easily.

It is against this background that the treatment of the renunciations at Calais—their separation from the main treaty—should be considered. The two kings were to 'discuss and decide where and when the said renunciations should be made'. No specific

[1] Exch. K. R., Acc. Var. 314/2–5, 7, 12; Issue Roll, no. 401 (34 Edw. III), mm. 26–28.

[2] Enrolled Accounts (W. and H.), 4, m. 5; Chaplais, 'Some Documents . . .', *Camden Miscellany*, xix, pp. 6–7.

[3] Pipe Roll, 35 Edw. III, m. 43. [4] Exch. K. R., Acc. Var. 314/11.

[5] *Chronique . . . de Jean II et de Charles V*, i, p. 320.

[6] Pipe Roll, 33 Edw. III, m. 36—'in quo breui inter cetera continetur quod Rex nuper intendens tractatum pacis inter ipsum et Regem Francie facte paruo tempore esse duraturum assignauit prefatum magistrum Johannem ad transfretandum vsque Cales' et ibidem morandum super tractatu predicto'. Later Brancaster was rewarded 'ob fructuosa obsequia nobis per ipsum in partibus tam transmarinis quam cismarinis non absque laboribus solicitis et indefessis laudabiliter impensa' (Warrants for Issue, file 39, no. 48). Apparently it is his initials that appear on one copy of the treaty of 1359 (Delachenal, *op. cit.*, ii, p. 81, n. 1). On Brancaster himself, see Tout, *Chapters*, index *s.v.* 'Brancaster'.

connexion is made, in the agreement at Brétigny, between the transfer of rights and sovereignty and their formal renunciation; but the clause relating to the renunciations follows that which defines the rights to be conveyed, and common sense suggests that formal renunciation should follow transfer. Since this agreement gave 29 September 1361 as the latest date for transfer, it is reasonable to suppose that the date then envisaged for the renunciations would be some time after that; so that if the treaty was to be ratified within four months of King John's arrival at Calais, it must have been clear to everyone that the renunciations would have to be taken out of it and legislated for separately.

And this is what happened. The *littere cum clausula c'est assavoir*,[1] which embody the agreement as to the occasion and the procedure of the renunciations, lay down that the king of France should transfer the lands and rights in question by 24 June 1361, if possible, and that letters recording that the renunciations had been duly made should be sent, by each side, to Bruges, and exchanged there by 15 August; or, if this were not possible, the dates should be 1 and 30 November respectively. There is no *postponement* here; on the contrary, it looks as though an attempt had been made to advance the date of the renunciations. The idea of postponement comes, it seems, from the phrase in the *littere cum clausula c'est assavoir* which introduces these arrangements. After rehearsing the territorial clauses of the treaty, they say: 'on these matters, after many altercations concerning them and, in particular, because the renunciations are not being made at present, we have finally reached agreement in the manner following, that is to say (*c'est assavoir*)'. This has been read as though it meant 'because there were altercations, therefore the renunciations are not being made at present'. But that is not what the documents say. Certainly they say that the renunciations were not being made 'at present', but who, before the conference at Calais, expected that they would be? On the other hand, if an attempt had been made, at Calais, to secure the French king's renunciations before 29 September 1361, or even on the spot, in advance of the transfer of territory, it would be easy to understand why it was necessary to state that the renunciations were not being made 'at present', why alternative dates were prescribed and why there were 'altercations'. Had this been Edward's policy?

[1] *Foedera*, III. i, 522–25.

There is certainly some evidence that he was in a hurry. He had brought King John to Calais a week earlier than was necessary, and he was ready to go there himself early in September even though, six weeks later, when the treaty was ratified, not more than two-thirds of the first instalment of the ransom was in sight,[1] there had been trouble over the hostages,[2] nothing had been done about the transfer of Guines[3] and La Rochelle was openly resisting.[4] A matter which had not been specifically referred to the meeting at Calais, but which was certainly discussed there, was the evacuation of castles held by the English in territories which were to remain French, in return for the delivery of the counties of Ponthieu, Montfort (to Jean de Montfort, duke of Brittany), Angoumois and Saintonge. The dates fixed at Calais were 2 February 1361 for the evacuation of the castles and 2 March for the delivery of the counties.[5] Surely the military men at Calais, if not the clerks, must have seen that this was quite impossible.[6]

Was Edward really hoping to secure the territories assigned to him soon or at once, with, or even without, the French king's renunciations, and then to find reasons why he should not make his own renunciations? It is a grave charge and the intention cannot be proved; but it is strongly suggested by what he actually did in the years following[7] and by this drive to speed things up at Calais. It is also suggested by the fact that whereas in most English official documents the purpose of the Calais conference is described as 'tractatus pacis', in a few instances it is 'liberacio regis Francie',[8] as though it were still primarily concerned with a ransom, and by the careful way in which Edward safeguarded

[1] Delachenal, *op. cit.*, ii, pp. 220–31, 252.

[2] *Ibid.*, p. 240.

[3] *Ibid.*, p. 332. Edward had been enquiring about the transfer of Guines, perhaps in August and September (Pipe Roll, 35 Edw. III, m. 43).

[4] Delachenal, *op. cit.*, ii, pp. 240, 332.

[5] *Foedera*, III. i, 535–36.

[6] Edward even secured letters from John undertaking that he would not hold up the execution of the treaty because 'one or two' fortresses had not been evacuated within the stipulated time (*Foedera*, III. i, 536–37).

[7] Delachenal, *op. cit.*, ii, pp. 331–45; Chaplais, 'Some Documents . . .', *Camden Miscellany*, xix, pp. 7–8; E. Perroy, 'Charles V et le traité de Brétigny', *Moyen Age*, xxxviii (1928), pp. 255–81.

[8] Exch. K.R., Acc. Var. 314/4: 'ad tractandum super deliberacione Regis Francie'; Pipe Roll, 33 Edw. III, m. 36 (Brancaster's account): 'pro tractatu . . . super liberacione Regis Francie'.

his right to the titles 'king of France' and 'duke of Normandy',[1] notwithstanding any words used in the treaty itself or in the subsidiary agreements. Was he reconciled, even now, to the abandonment of his dynastic claims?

The conclusions to which this argument is leading, though tentative indeed, are very different from those advanced by Delachenal. They are that the agreement of 1358 was a 'ransom treaty', similar to those which Edward had just imposed upon King David of Scotland and Charles of Blois; for it was concerned with nothing but the conditions of King John's release from prison, and, if put into effect, would have left Edward's ambitions and all that he had won in France intact (this may well seem to be a more likely interpretation than Delachenal's idea of a moderate treaty on quite general grounds, for why should Edward offer easy terms in 1358 when his victories were still fresh and France was in chaos?):[2] that the draft treaty of 1359, though very puzzling, was still essentially a 'ransom treaty': and that the articles of Brétigny were, for the first time, a matter of give and take, in which each side surrendered something that it had hitherto held to be vital, the sovereignty of the king of France over the whole of his kingdom, Edward's right to the throne of France.[3] Yet to bring Edward to this point of compromise had been a great French achievement; for since the agreement followed the disaster of Edward's winter campaign, it cannot be argued that his claim to the throne of France had never been serious because it was given up in his name at Brétigny. As for the diplomacy at Calais, the French did not achieve the postponement of the renunciations by subtlety, for the renunciations were not postponed and their separation from the treaty as ratified was natural and inevitable. It is more likely that Edward was trying to recover what he had lost at Brétigny; and if, later on, the French were able to turn his bad faith to their advantage, that is another story.

[1] *Foedera*, III. i, 532; *cf. ibid.*, 550–51 (1 November).

[2] This general consideration is a further argument for thinking that the evidence we have for the 1358 treaty is complete in all essentials.

[3] *Cf.* the negotiations at Avignon in 1344, Froissart, *Chroniques*, ed. Kervyn de Lettenhove, xviii, pp. 235–56; E. Déprez, 'La Conférence d'Avignon (1344)', *Essays . . . presented to Thomas Frederick Tout*, ed. A. G. Little and F. M. Powicke (1925), pp. 301–20; *History*, xliii, p. 177.

THE COUNCIL OF THE WEST

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NEARLY thirty years ago, Dr Caroline Skeel searched both the public records and local archives for material relating to the 'Council in the West Parts of the Realm' established by Henry VIII. She could find out practically nothing about its proceedings, but, in a paper read to this society, she did put forward a number of suggestions regarding the purpose of the council and the reasons for its comparatively short life.[1] These suggestions have been the basis for the necessarily brief references to the Council of the West in subsequent histories of the period. It has become generally accepted that the council was established for the purpose of tightening up the machinery of justice and administration in an unsettled part of the kingdom, and in particular as a means of forestalling the trouble which was expected to follow the dissolution of the monasteries in the region. Its early disappearance has been attributed to various causes, sheer redundancy, local opposition and Henry's desire to placate the common lawyers.[2]

All that Dr Skeel could discover about the history of the council can very quickly be stated. It was erected in the late spring of 1539, with power to act in the counties of Devon, Cornwall, Somerset and Dorset, and in the city and county of Exeter. Its authority apparently rested on two instruments. One was a commission to receive and enroll recognizances issued on 12 April

[1] Caroline A. J. Skeel, 'The Council of the West', *Trans. Roy. Hist. Soc.*, 4th series, iv (1921), pp. 62–80.

[2] W. S. Holdsworth, *History of English Law* (third ed.), i, p. 502, n. 7, and iv, p. 73, n. 1; G. Scott Thomson, *Lords Lieutenants in the Sixteenth Century* (London, 1923), p. 18, and *Two Centuries of Family History* (London, 1930), p. 163; D. L. Keir, *Constitutional History of Modern Britain* (London, 1938), p. 124; A. L. Rowse, *Tudor Cornwall* (London, 1941), pp. 99, 240–44 (the fullest treatment since that of Dr Skeel) and *The Expansion of Elizabethan England* (London, 1955), p. 36; and G. R. Elton, *The Tudor Revolution in Government* (Cambridge, 1953), p. 345. See also *infra*, p. 45, n. 3.

1539 to John Lord Russell and Thomas Darby, designated respectively president and secretary of the council.[1] The other was a 'book' of Instructions to the Council of the West which is undated and, except for the names of Russell and the members of the council and the places of meeting, is an almost exact copy of the Instructions issued not long before to the Council of the North.[2] Of the proceedings of the Council of the West no record has survived, no trace has been found of the register of decrees mentioned in the Instructions, and the only evidence that the council did actually assemble consists of a few indirect references to it in the correspondence of its members and in the proceedings of other courts.[3]

One point upon which Dr Skeel and all later writers have been very vague can now be cleared up, namely the duration of the council's existence. Dr Skeel herself quoted, but misunderstood, clear evidence that the Council of the West ceased at any rate to be paid after only fifteen months' existence, namely at Midsummer 1540. It had been arranged that the fees and diets of Russell and his colleagues should be paid out of the revenues of the Court of Augmentations, that is out of the proceeds of the dissolution of the monasteries, payment to date from Lady-Day 1539. The annual accounts of the treasurer of the Court of Augmentations show that Russell was paid the sum due for the first half-year out of the 1538–39 revenues,[4] and three quarterly instalments in 1540, the last on 18 June.[5] Dr Skeel referred to these latter payments, but she drew her information from a consolidated account roll covering the four years 1539–43. This roll has been calendared in that volume of the *Letters and Papers* which, for the

[1] *L[etters] and P[apers, Foreign and Domestic, of Henry VIII]*, xiv, pt. i, p. 418, g. 12.

[2] Brit. Mus., Cotton MS., Titus B. i, fos. 161–71 (hereafter cited as 'Instructions to the Council of the West'). The Instructions to the Council of the North (P.R.O., State Papers Henry VIII, vol. 133, pp. 530–51) to which Dr Skeel refers (*op. cit.*, p. 63) are those issued in 1538, not 1537 as she states. But see also *infra*, p. 53.

[3] All such references as she could find were carefully noted by Dr Skeel (*op. cit.*, pp. 71 ff.). Dr Rowse has added a few more (*Tudor Cornwall*, p. 243).

[4] P.R.O., Exch[equer], Aug[mentation] Office, Treasurers' Accounts, 1, pt. 2 (1538–39), m. 23, calendared in *L. and P.*, xiv, pt. ii, p. 74.

[5] P.R.O., Exch., Aug. Office, Misc. Books, 249 (Treasurers' Books of Payments, 1539–40), fos. 32–33.

most part, deals with the year 1543, and this led her to state that fees were still being paid to Russell in that year.[1] In fact, no payments in respect of the Council of the West are recorded after that of 18 June 1540.

That the council was officially dissolved, or at any rate ceased officially to exist, at Midsummer 1540 is borne out by other scraps of evidence which by themselves would not be conclusive. For example, we know that Russell withdrew his household from the Black Friars in Exeter, granted to him by the king in July 1539, after only one year's occupation.[2] There is, in fact, positive evidence of the council being in session only for the two months from 17 September to 16 November 1539.[3] This certainty, if it may be claimed as such, that the Council of the West enjoyed such a very short life, would seem to justify renewing the inquiry into the reasons both for its initial establishment and also for its early disappearance. Moreover, in view of the stress now being laid on the administrative achievements of Thomas Cromwell,[4] the coincidence between the dissolution of the Council of the West at Midsummer 1540 and the arrest of Cromwell on 10 June in that same year, prompts further investigation into the part played by Cromwell in the erection of this particular provincial council.

I

The preamble to Russell's Instructions, echoing those issued to the Council of the North, underlines the king's concern for 'the spedye and yndifferent admynistration of Justyce . . . for the welthe, quietnes and tranquilitie of his faythfull, loving and obedyent subgietes'.[5] Better judicial facilities were undoubtedly needed in the provinces, but there was more at stake than the daily well-being of his faithful commons for Henry VIII to

[1] Skeel, *op. cit.*, p. 73, quoting *L. and P.*, xviii, pt. ii, p. 125, followed by A. L. Rowse, *Tudor Cornwall*, p. 243.

[2] This is stated in a deposition made in connexion with an action brought before the Court of Augmentations, the details of which are irrelevant (P.R.O., Exch., Aug. Office, Proceedings, 13/70). Of the many terminating dates suggested, 1540 is put forward with conviction only by A. F. Pollard (*Eng. Hist. Rev.*, xxxviii (1923), p. 52), and he offers no supporting evidence.

[3] *Cf. infra*, p. 55.

[4] By Dr G. R. Elton, notably in his *Tudor Revolution in Government*.

[5] 'Instructions to the Council of the West', fo. 161r.

commit himself to an annual expenditure of over £1,230 in fees and expenses, more, be it noted, than he spent on either the Council of the North or that in the Marches of Wales.[1] Dr A. L. Rowse has described the Council of the West as 'an experiment in direct government',[2] and there is, indeed, in the latter part of Russell's Instructions, as in those of the Council of the North, a great deal about putting the law into operation, especially the recent statutes effecting the breach with Rome. But did the situation in the west country at this particular juncture warrant such extraordinary provision? Had the king and Cromwell reason to believe, in the late spring of 1539, that only some such form of direct government could save them from another Pilgrimage of Grace?

There were several reasons why the government should feel it vital to keep a weather eye on the south-west. There still lingered, no doubt, the memory of the risings of 1497, first against royal taxation and then in support of Perkin Warbeck. More recently Henry had been conscious of the possibility of a rising in support of his cousin, Henry Courtenay, marquis of Exeter, like himself a grandson of Edward IV. But the marquis's only real chance of embarrassing the king was in 1536, at the time of the Lincolnshire rising, when he was sent down to the south-west to raise an army. John Hooker, the Exeter annalist, writing many years later, suggested that it was his very success on this occasion which roused the suspicions of the government and led to his eventual undoing,[3] and during the next two years the government certainly took greater pains than ever before to round up those suspected of furthering the fortunes of the marquis. But there were very few of them and it is now generally agreed that there was no 'Exeter conspiracy'.[4] It suited the

[1] 'Instructions to the Council of the West', fo. 162r. The fees and diets of the Council of the North in 1538 amounted to £1,146 13*s.* 4*d. per annum* (P.R.O., State Papers Henry VIII, vol. 133, pp. 536–38), and those of the Council in the Marches of Wales to £875 15*s.* 10*d.* (*L. and P.*, xiii, pt. i, p. 45).

[2] Rowse, *The Expansion of Elizabethan England*, p. 36.

[3] John Hooker, *Annals* (Exeter City Muniments, Book 51), fo. 343v.

[4] A. L. Rowse, *Tudor Cornwall*, pp. 229–39, following W. J. Blake, 'The Rebellions of Cornwall and Devon in 1549', *Journal of Royal Inst. of Cornwall*, xviii (1910–11), pp. 147 ff., and xix, pp. 371 ff. This is also the view of M. and R. Dodds, *The Pilgrimage of Grace and the Exeter Conspiracy* (Cambridge, 1915), ii, pp. 180–81.

government to make the most of anything which could be laid against the marquis and his friends, but his execution in December 1538 was in accordance with a long-term policy of exterminating all possible Yorkist claimants to the Tudor throne.

Nor was there ever any serious opposition in the south-west to Henry VIII's religious policy. Reports of disturbances and disaffection on this account scattered among the state papers of 1536–39, when all gathered together, amount to very little over the years. Most were trivial and isolated, and gave little cause for serious disquiet. The suppression of the smaller religious houses in the region was carried through during the summer of 1536 with remarkably little commotion. It would appear that the majority of the parishes, especially in Cornwall, were concerned only lest they might lose their patronal saints' days.[1] In August 1537, Dr Simon Heynes, the new dean of Exeter, reported to Cromwell that he found the local clergy anything but 'well-persuaded'. Apparently the canons had mislaid their copy of Cromwell's recent Injunctions and said that they preferred to 'live after the old fashion'. But Heynes, a somewhat advanced and fanatical reformer, no doubt came looking for trouble and would not be prepared for west-country conservatism. The situation he uncovered would hardly seem to warrant his hysterical postscript: 'This is a perilous country. For God's love let the king's grace look to it in time.'[2] It is most unlikely that Henry was thereby led to believe, as some historians of the period have done, that the west was in open rebellion in 1537.[3] And certainly there are no grounds for the assumption that it was such a state of affairs which moved the king, nearly two years later, to establish the Council of the West.

In fact we should know even less than we do about these isolated trouble-spots, were it not that Henry was being increasingly well served by the local gentry, most of whom vied with each other to persuade the king of their vigilance on his behalf. That they habitually looked for some reward for their trouble cost the king very little and the extent to which such men

[1] *L. and P.*, xii, pt. i, pp. 450, 522. [2] *Ibid.*, pt. ii, p. 211.

[3] *Cf.* C. H. Williams, *The Making of the Tudor Despotism* (London, 1935), pp. 173–74, J. R. Tanner, *Tudor Constitutional Documents* (Cambridge, 1922), p. 335, and F. Rose-Troup, *The Western Rebellion of 1549* (London, 1913), p. 28.

had come to believe, amid so many uncertainties, that in the service of the crown lay their own best chance of advancement was one measure of Tudor success.

At the same time, there was one respect in which the gentlemen of the south-western counties were still presenting a problem to the government. This was in their frequent failure, as magistrates, to deal with transgressors of the law according to the proper processes. The state papers of 1537 contain several references to the case of Andrew Hillarsdon, a J.P. for the county of Devon, whose action in 'concealing a robbery' committed by a member of his own family in his own household was described by the attorney-general to the king's council as a 'felonious confederation, maintenance, counsel, assistance, aid and comfort'.[1] One at least of his accomplices, Sir Thomas Denys, recorder of Exeter, was very sharply reprimanded for his part in the affair.[2] Not long after this, the king wrote to Sir Thomas Arundell, who was not only a magistrate in the county of Cornwall but also a man of considerable experience in the royal service, charging him with slackness in the administration of justice. This was to be regarded as a last reminder, 'before we shall correct the lewdness of the offenders in this behalf with any extremity of the law'.[3] The king was almost certainly thinking of the 'new law of the Star Chamber' at Westminster, but it has been a great temptation for historians to connect these threats of 1537–38 with the subsequent establishment of a local council, a body which, like its central counterpart, could be charged with the supervision of local magistrates.[4] As recently as 1536, the Council in the Marches of Wales had been statutorily authorized to punish jurors found guilty of giving false verdicts.[5] Such a connexion in the south-west, however, implies either a long-term plan, or alternatively a worsening of the situation during 1538–39, of both of which, as will appear, there is evidence to the contrary.

In fact, a step was taken as early as the autumn of 1537 which

[1] P.R.O., Star Chamber, Proceedings, ii, fos. 183–86, and *L. and P.*, xii, pt. ii, pp. 270, 284 and xiii, pt. i, pp. 41, 441.

[2] *L. and P.*, xiii, pt. ii, p. 41: a letter from Denys to Cromwell, 24 January 1538, mentioning the charges made against him.

[3] Brit. Mus., Stowe MS. 142, fo. 14.

[4] *Cf.* A. L. Rowse, *Tudor Cornwall*, pp. 240–41.

[5] Penry Williams, *The Council in the Marches of Wales under Elizabeth I* (Cardiff, 1958), p. 20.

went a long way towards providing a remedy for the problem, at least in the largest of the south-western counties. This was the pricking for the shrievalty of Devon, in succession to Sir George Carew, of the name of one of Cromwell's most valuable men, Richard Pollard.[1] A Devonian by birth, a younger son, trained in the law and in Cromwell's own household, Pollard was a surveyor of crown lands and remembrancer of the Exchequer and, although still a young man, he had been playing a leading part in the dissolving of north-country religious houses. At first sight, the appointment may be regarded as being of little significance. Sheriffs, in early Tudor England, were no longer of more than routine importance in local administration and Pollard's predecessor had spent most of his year of office at court or at sea. But Pollard, a man whom Cromwell could ill spare, did spend a considerable proportion of the year 1537–38 in his native county. He was, for the time being, very emphatically the king's deputy in the county.[2] He was provided with an estate carved out of the crown lands in north Devon,[3] and it is significant that it was upon Pollard, rather than upon Cromwell, that the heads of the remaining religious houses in the south-west heaped their favours in the summer and autumn of 1538.[4]

Pollard's appointment was an undoubted success. Cases were brought before the courts and justice done, speedily and yet with due regard for the proper processes of the law.[5] This was achieved without any stretching of the king's prerogative, for the benefits of which recourse had still to be had to Westminster. It was by such means, that is by the proper enforcement of the common law of the land, that such remote parts of the realm could best be absorbed into the pattern of English government.[6] But to achieve

[1] *L. and P.*, xii, pt. ii, p. 406.

[2] There is a precedent for such a step in Edward IV's appointment to the shrievalty of Norfolk in 1461 of a knight of his own household, 'to set a rewyll in the countre' (*Paston Letters*, ed. J. Gairdner (London, 1904), i, p. 179; ii, pp. 75–77).

[3] *L. and P.*, xii, pt. ii, p. 354, g. 39, and p. 193.

[4] P.R.O., Exch., Aug. Office, Misc. Books, 91–105 (Decrees and Orders), *passim.*

[5] See Sir Thomas Denys' eulogy of Pollard (*L. and P.*, xiii, pt. i, p. 166).

[6] In Wales, in 1536 and the years immediately following, years during which the Council in the Marches of Wales was almost certainly being reconstituted, far more emphasis appears to have been laid on the introduction of the normal English machinery of local government and justice than on the extraordinary powers of the Council (Penry Williams, *op. cit.*, pp. 21 ff.).

this, the king needed able deputies. A man of forceful personality such as Pollard, having local connexions but also wider experience, could bring a county into line. But such a man needed to be single-minded in his loyalty to the crown. Sir Thomas Denys, already five times sheriff, was not of this fibre. He was liable to be swayed by other interests, including his own. But he and his fellow magistrates, given good leadership, could be of very great service to the crown.

The winter of 1538–39, following Pollard's departure elsewhere, was quiet in the south-west. Henry Courtenay was executed with, as far as one can tell, no local repercussions whatsoever.[1] In the course of little more than two months, from late January to early April 1539, the remaining west-country religious houses were suppressed, to all appearances quite uneventfully.[2] On 16 March, Sir Thomas Willoughby, commissioner of gaol delivery in the south-west, reported to Cromwell that he had dealt with all the ringleaders of the Courtenay conspiracy, adding that the gentlemen of the region had been diligent in executing the king's orders,[3] hardly a situation, one would have thought, to have moved the government to erect an expensive local council.

II

The state papers of the early months of 1539 do, however, reveal that the king and Cromwell were preoccupied with what they obviously regarded as an immediate danger, namely invasion by the Catholic powers of Europe. In the circumstances, the fortification of the coast, which for years had been a pressing need, now became the government's main concern. Repairs had to be put in hand at old sites and also steps taken to anticipate possible landing-places and there establish new block-houses and bulwarks.[4] Everything depended on the finding of men with

[1] *Cf.* F. Rose-Troup, *The Western Rebellion of 1549*, p. 41. The incident to which Mrs. Rose-Troup refers (*L. and P.*, xiii, pt. ii, p. 473), when a Sherborne tailor expressed an opinion in an ale-house, is not conclusive evidence of incipient rebellion.

[2] *L. and P.*, xiv, pt. i, pp. 48–333, *passim.* [3] *Ibid.*, p. 207.

[4] *Ibid.*, pp. 152–53 (nos. 399–400), 329–30 and 151–52. Cromwell's *memoranda* are undated but from internal evidence these would appear to have been written down, in this order, between early February and early March 1539.

local knowledge able not only to supervise the works, but also to command local support in carrying them out. Cromwell reminded himself early in February to make lists of 'the most active persons in the realm', 'to appoint in every shire a person whom the king can best trust, to whom as much of the shire as the king shall appoint may resort'.[1] In this last note he was presumably thinking primarily of the militia, but equally pressing was his need for 'sad and expert men in every shire near the sea to view the coasts'. The north of England, Cromwell noted, was to have a king's lieutenant if necessary, and 'likewise in every county'.[2]

Probably during the first week in March, certainly before 9 March when Sir John became *Lord* Russell, Cromwell drew up a detailed 'device', providing not only instructions for the repair and maintenance of Calais and all the new forts along the south coast from the Downs to Calshots Point in Dorset, but also lists of names of men to be entrusted with the detailed supervision of the work along specified portions of the coast.[3] The whole of the north of England, castles as well as sea-coasts, was to be committed to the care of the duke of Norfolk, the 'king's lieutenant', presumably, of Cromwell's earlier notes. South Wales, however, was to be the responsibility primarily of the president of the Council in the Marches of Wales, Bishop Roland Lee. The coasts of Somerset, Dorset, Devon and Cornwall, a very vulnerable stretch since the union of Brittany with France, were to be the responsibility of a comparatively large team, consisting of twelve of the leading knights of the four counties, led by Sir John Russell. These did not include those local gentlemen who were normally to be found at court, such as members of the Carew family, nor men already fully occupied elsewhere in the royal service such as Sir Richard Grenville, knight-marshal of Calais, and Richard Pollard. In other words, this was a team of men who could be expected to proceed with their task with the least possible delay. The county of Somerset, with no southern coastline, was represented only by Sir Hugh Paulet; Dorset by Sir Giles Strangeways, Sir John Horsey and by Russell; Devon

[1] *Ibid.*, p. 153.

[2] *Ibid.* There was plenty of precedent for the appointment of regional lieutenants as *ad hoc* military commanders, especially in border districts (G. Scott Thomson, *Lords Lieutenants in the Sixteenth Century*, pp. 14–17).

[3] *L. and P.*, xiv, pt. i, pp. 151–52.

by Sir Thomas Denys, Sir Hugh Pollard (Richard's elder brother), Sir Thomas Stucley and partly by Sir Peter Edgcumbe; and Cornwall, besides Edgcumbe, by Sir John Arundell, sen., Sir Thomas Arundell, Sir Hugh Trevanion and Sir William Godolphin. All of these were men of long experience in local affairs. Russell was not so well known locally for, though born in Dorset, he had spent most of his life away from his native county. He was an experienced soldier and diplomat and, although at this particular moment he held the office of comptroller of the king's household, he was a man of action rather than a legally-trained administrator such as Richard Pollard or some of the other younger men in Cromwell's circle.

In Cromwell's 'device' these men are described as 'commissioners appointed by the king's highness to search and defend the coast', and there is little doubt that commissions under the great seal were issued about the middle of March. Bishop Roland Lee and his colleagues received their commissions for the ports and havens of Wales on 20 March.[1] Russell referred very specifically to his commission in a letter to Cromwell some time later.[2] None of these commissions appears to have been enrolled, however, and a careful search of all classes of warrants for the great seal has brought nothing to light. From one of the returns made to Cromwell from Wales we learn that the precise instructions were to survey the sea-coasts, look for places most likely for the landing of enemies, provide for fortifications, bulwarks and trenches, keep up beacons and a watch day and night.[3] Russell and his colleagues presumably received similar orders at about the same time. However that may be, on 16 March, Cromwell, then in London, was informed by Sir Ralph Sadler, writing from Dover, that the king intended to send Lord Russell to the west country. There is a good deal besides in the letter about 'making the bulwarks and preparing the king's ships' and about 'mending and making of beacons on the sea-coast and elsewhere needful'. In the same letter Cromwell was told that the earl of Surrey was to be sent into Norfolk (as in Cromwell's 'device') and this was followed by a somewhat sharp reminder to the lord privy seal to use all possible 'diligence'.[4] On 24 March came further orders from the king, by now at Gravesend, instructing Cromwell to send Russell, who

[1] *L. and P.*, xiv, pt. i, p. 352, no. 722.
[2] *Ibid.*, p. 340.
[3] *Ibid.*, p. 381, no. 803.
[4] *Ibid.*, p. 206.

was presumably then in London, post-haste to the west, 'where his Grace hath already appointed him'. Most important, Cromwell was further told to 'provide such remedy as (he) shall think meet in avoiding the danger that may ensue' of Russell's arrival there.[1]

These letters serve, at least, to keep the king in the picture. Cromwell had been left to deal with administrative details in London, while Henry toured the nearer parts of the coast to see for himself what was needed. Whatever Cromwell was planning, it was the king's word which was hurrying things up and it was on his instructions that his lieutenants were being sent about their tasks in the provinces.[2] It is clear that the duke of Norfolk, the earl of Surrey and Russell, all of whom left London about 25 March, did so quite simply as the king's deputies. In spite of precedents, the president and Council of the North do not appear to have been joined with Norfolk in his commission to survey the defences and he certainly proceeded with his task quite independently of that body.[3] It is perhaps permissible to see in all this the hand of the king supporting Norfolk against his great rival, Cromwell.[4]

Everything points towards careful planning of Russell's appointment in the west. The scheme to endow him with a considerable estate out of the lands of Tavistock and other abbeys was first under discussion before 9 March,[5] possibly as early as the end of February. On the same day on which he became a baron, 9 March, Russell was replaced in his post as comptroller of the household,[6] leaving him temporarily without an office, although still a member of the 'Privy' Council, which he had been since at least 1536.[7] There still remains to be considered, however, the king's instruction to Cromwell on 20 March

[1] *Ibid.*, p. 231.

[2] *Cf.* G. R. Elton, *The Tudor Revolution in Government*, pp. 66–71, especially p. 68, where Dr Elton expresses the opinion that: 'In the day to day business of governing England Henry VIII was not so much incapable as uninterested and feckless.'

[3] *L. and P.*, xiv, pt. i, pp. 243, 336 and 340. In the spring of 1558 the Council of the North had concerned itself very energetically with a survey of frontier defences (*ibid.*, xiii, pt. i, pp. 268–69).

[4] G. R. Elton, 'Thomas Cromwell's Decline and Fall', *Cambridge Historical Journal*, x (1951), p. 156.

[5] 'Devon Monastic Lands', ed. J. A. Youings, *Devon and Cornwall Record Society*, new series, i (1955), pp. 4–7.

[6] *L. and P.*, xiv, pt. i, p. 187, no. 478.

[7] G. R. Elton, *Tudor Revolution in Government*, pp. 338–39, 348–49.

that he devise some 'remedy' against Russell's arrival and reception in the west. He may have been thinking merely of expediting the grant of monastic lands, of which Cromwell probably disapproved. It seems hardly likely that Henry implied by that innocuous word the erection of a full-scale conciliar body. But Cromwell, we know, was one who placed more faith in bureaucratic boards or councils than in what he probably regarded as the myth of unpaid public service, even if there was some compensation in a handsome share of the king's new resources. Whether or not Cromwell had been the moving spirit behind the reconstitution of the Council of the North in 1537–38, as has been suggested,[1] he certainly believed in it as a method of government, and he had for some time been cherishing a scheme of swearing numbers of local gentlemen throughout the realm to the king's conciliar service.[2] With the Councils of the North and of Wales in mind, the idea would naturally commend itself to him of joining Russell and his fellow commissioners for the survey of the coasts into a conciliar board. It is one of the paradoxes of Cromwell's career, and one not entirely resolved by Dr Elton, that he should have had so much faith in conciliar boards when his own experience had been largely confined to what could be achieved by the determined efforts of one man. On a rather lower plane, there is the possibility that, feeling somewhat insecure on the 'Privy' Council at this time, he may have seized upon an excuse for placing Russell in a position of subservience to himself such as that accepted by Bishop Roland Lee, president of the Council in the Marches of Wales.[3] At least he could then count on Russell being absent from court for considerable periods.

The list of members of the Council of the West which heads Russell's Instructions contains the names of all the commissioners for the survey of the coasts except those of Sir Thomas Stucley and Sir Hugh Trevanion. This leaves Russell and nine knights, to whom were added in the first place the bishops of Exeter and of Bath and Wells, and the dean of Exeter, all *ex officio*. There

[1] Dr Elton states this as a fact (*ibid.*, p. 346), but without any supporting evidence.

[2] *Ibid.*, p. 345.

[3] Penry Williams, *The Council in the Marches of Wales under Elizabeth I*, p. 18.

was, of course, ample precedent for the use of churchmen in these local councils and John Voysey, bishop of Exeter, had himself been president of the Council in the Marches of Wales from 1525 to 1534. Also added to the list were the names of four professional lawyers of local birth, Sergeant John Rowe, Lewis Fortescue, Richard Pollard and William Portman, the last a native of Somerset. These were necessary if the council was to function as a court of law. Finally, to act as secretary, there was Thomas Darby. Darby was very much Cromwell's servant, clerk of the signet and, at least nominally, clerk of the 'Privy' Council. But, according to Dr Elton, he was not to be needed in the latter capacity yet awhile, so presumably he could be spared to go to the west.[1] Although the council was to exercise its functions in the large county of Somerset, except for Portman, nothing was done to remedy the lack of representatives from that county, a further reminder that as a body the Council of the West stemmed from a commission to view the Channel coasts.[2]

We are still no nearer discovering the date of the erection of the Council of the West, but the fact that Russell's Instructions were based on a corrected copy of those issued to the Council of the North in 1538 makes it possible to date the compilation of the former fairly accurately. Cromwell apparently sent for a copy of the northern Instructions in January 1539,[3] and it is probably the copy procured for him then which has survived among the state papers, corrected in the hand of Thomas Wriothesley to make the contents relevant to the west.[4] Wriothesley had been employed as special diplomatic representative at the court of the 'queen of Hungary' in Flanders since the previous September and it was not until 25 March at the earliest that he was back in London. He departed thence for Hampshire on 8 April.[5] The latter limiting date is advanced by the dating of the warrant sent to the treasurer of the Court of Augmentations for the payment

[1] Elton, *op. cit.*, p. 351.

[2] The problem of the fortification of the coasts in 1539 has been referred to by most modern writers on the period, but has not, so far as I know, been connected hitherto with the Council of the West.

[3] *L. and P.*, xiv, pt. i, p. 11.

[4] P.R.O., State Papers Henry VIII, vol. 133, pp. 530–51, calendared in *L. and P.*, xii, pt. i, p. 466. This is, in fact, the only surviving copy of the Instructions for the Council of the North in 1538.

[5] *L. and P.*, xiv, pt. i, p. 719 and *passim*.

of the fees of the Council of the West, namely 31 March.[1] The evidence taken all together suggests that Cromwell and Wriothesley worked very fast during the last week in March 1539 and it is no wonder, in the circumstances, that Russell's Instructions were so very unoriginal as to refer, for instance, to 'gressoms', a north-country word unknown in the west. However, there is no question of Cromwell's having exceeded his authority and acted contrary to the wishes of the king, for the surviving copy of the Instructions bears Henry's sign manual.

III

Lord Russell, riding with all speed to the west at the end of March 1539, probably knew very little about the council over which he was being designated to preside. He certainly had not waited for the completion of formalities. Within a day or so of the receipt of the king's orders, on 24 March, he must have left London, for by 3 April he had already visited the coast of Dorset and reported to Cromwell that he had reached Exeter and was about to proceed further west.[2] It is quite obvious that his mind was concentrated on the defences and there is nothing to suggest that he had given a thought to any other duties. It would, of necessity, be several weeks before the council could be assembled. Most of its members would have been attending the parliament which was in session from 28 April until 28 June. By the middle of May Russell was back again in London, where he received the order of the Garter,[3] and no doubt he made his report on the coastal defences in person. On 8 July the king at Hampton Court issued a number of warrants under his signet addressed to receivers of his revenues in the south-western counties, ordering them to pay out sums of money to paymasters of defence works in the region. The works were described as being constructed 'by the view and oversight of our right well-beloved councillor the lord Russell, president of our council in the west parts of the realm' and the sums were to be such as Russell should appoint. Thomas Spurway, receiver for the crown of the lands late of the

[1] The date is cited regularly in the accounts of the Treasurers of the court of Augmentations; *cf. supra*, p. 42, n. 5.

[2] *L. and P.*, xiv, pt. i, p. 340, no. 685. He promised to send on a 'plate' before long.

[3] *Ibid.*, pp. 446, 451.

marquis of Exeter, provided, out of his receipts for 1538–39, the sum of £650 towards the defence works at Weymouth and Portland,[1] and Sir Thomas Arundell £800, out of the revenues of the duchy of Cornwall, for work at Falmouth.[2] Russell's tour of the western end of the Channel coast seems likely to have marked the beginning of that great outburst of coastal defence building in the region of which so much still survives.

The first evidence of an actual session of the Council of the West comes in a letter from Russell to Cromwell on 17 September 1539, reporting that it is in session at Tavistock and that he and his colleagues are being kept very busy with suits.[3] By this time the immediate military crisis was over and, although the work on the fortifications proceeded steadily, Russell was now able to devote some of his attention to the domestic welfare of the counties which had been placed in his charge. But when he had time to read them carefully, he must have found his Instructions extraordinarily inappropriate. For example, he was expected to inquire diligently into the making of 'intakes' in a region most of which was enclosed by this time, and also into the taking of excessive entry fines for leases in a part of the country which was remarkably free from agrarian unrest.[4]

The council remained in session at Tavistock until October 1539 when it moved to Exeter, remaining there until early in November.[5] Russell and his colleagues then moved to Wells and on 16 November Russell departed thence for London.[6] There is no evidence to suggest that he returned to the west again in 1539 or in 1540, and it seems very unlikely that the Council of the West ever met again. Meanwhile, the lord president's responsibilities for the coastal defences were far from being at an

[1] P.R.O., Special Collections, Ministers' Accounts, 6194 (Lands late of the marquis of Exeter, 1538–39), m. 3.

[2] Duchy of Cornwall, Receivers' Accounts, Devon and Cornwall, 1538–39 (Duchy Office, Bt. 9/12. 220). This is an aspect of early Tudor finance entirely neglected by F. C. Dietz, *English Government Finance, 1485–1558* (Urbana, 1920). About one quarter of the net profits from the duchy estates in the south-west in this year were diverted directly into local defence works.

[3] *L. and P.*, xiv, pt. ii, p. 55.

[4] 'Instructions to the Council of the West', fo. 165r.

[5] *L. and P.*, xiv, pt. ii, pp. 103, 166.

[6] *Ibid.*, pp. 185–86, nos. 530–31.

end. In May 1540, a further series of general warrants was issued by the king authorizing his financial officers to make cash available to the paymasters at Weymouth and Falmouth. As before, Russell was to authorize the specific amounts.[1]

Knowing Russell's background, one could forgive him for feeling that a provincial Court of Requests was hardly worthy of his talents. In spite of the dignity attached to his office—he was to be accorded all the respect due to the king himself, kneeling only excepted—he had no reason to feel flattered by an appointment which, in the North and in the Marches of Wales, was thought to require mere bishops who were not even members of the king's 'Privy' Council. Moreover, the post was no sinecure. There was no provision in the Instructions for the appointment of a deputy, except in case of illness,[2] and as long as the council was in session it required the president's continual absence from London.

But for a few months after the council dispersed in November 1539, Russell and his colleagues drew their diets and fees and presumably awaited events. It seems likely that it was the fall of Thomas Cromwell in June 1540 which enabled the Council of the West to be quietly forgotten. The very lack of any formal instrument of foundation would make this a very simple matter, presumably merely of Russell's failing to summon members and of making no further application for fees.

IV

After the disappearance of the Council of the West, Russell himself, first whilst lord admiral (1540–42) and then whilst lord privy seal (from 1542), continued to be associated very closely with the four south-western counties. He had gained a permanent place in local society as the owner of a very considerable landed estate and also by virtue of various offices, notably that of lord warden of the Stannaries.[3] From July 1539 he was regularly

[1] P.R.O., Special Collections, Ministers' Accounts, 7301 (Monastic Lands, Devon and Cornwall, 1539–40), m. 18d; 662 (Monastic Lands, Dorset, 1539–40), m. 10d.

[2] 'Instructions to the Council of the West', fo. 166r.

[3] *L. and P.*, xiv, pt. i, p. 585, g. 12. As warden of the Stannaries, Russell had the formidable army of tinners at his command.

named in commissions of the Peace for each of the four counties.[1] Most important, however, was the fact that during the few short months in 1539 when he had been moving freely around the counties, he had won the respect of the local gentry and with their help had begun the task of rebuilding and extending the defence works, a task which made considerable demands on them, but the necessity for which they could appreciate. He had become very much more than just another landed magnate, more than just a member of the Privy Council who had acquired a large share of former monastic lands in the provinces, more even than a successor to the marquis of Exeter. He was all of these. He enjoyed the advantage of being in close touch, on the one hand, with the king and his closest ring of advisers, and on the other, with his fellow magistrates in the four counties. As such, his sphere of useful activity was potentially much greater than it would have been if he had remained as a kind of local lord chancellor.

From time to time, and especially at moments of national crisis, Russell returned in person to the south-west. He came, for instance, in 1545, armed with a commission of array.[2] He took up residence at his house in Exeter, using it as his head-quarters during the whole of July and August. Most of his energies appear to have been spent in endeavouring to conscript shipping and mariners for the king, but he also renewed his work on the coastal defences. He was very much more successful with the defence works than with the elusive ships and seamen.[3] He soon had the gentry pulling their weight and he was careful to report good service to the king and to suggest letters of thanks from the Privy Council when he thought them both judicious and due.[4] By August 1545 the lord privy seal of England was able to report from Exeter that all was now ready in the west should the French come. He had heard, he added, that they brag that a landing would be easy, but assured the Privy Council that if they did come, they would 'find it a hot coming unto'.[5] The great chain of coastal defences constructed during the reign of Henry VIII was never

[1] *L. and P.*, xiv, pt. i, p. 587, g. 23–26.
[2] Rymer, *Foedera*, xv. 75.
[3] *L. and P.*, xx, pt. i, pp. 542, 622–23, 631, 633, 645, 653; pt. ii, pp. 3, 24–25, 31, 40, 66, 68, 90, 106.
[4] *Ibid.*, pt. i, p. 568.
[5] *Ibid.*, pt. ii, p. 84.

really put to the test, at any rate not until the time of the Civil War, but was far from being a wasted effort if only for the part it played in convincing the king's subjects in an outlying part of the realm that they too were an integral part of Tudor England.

In June 1549, after he had dealt with the Prayer Book rebels in the south-west, Russell's position in the region was put on a slightly more formal footing with the issue to him of a set of Instructions for the ordering of the four counties. These Instructions were much more realistic than those of a decade earlier and there was no question of a council. For assistance he was to rely on his fellow justices of the peace,[1] his position being in this respect more akin to that of Richard Pollard in 1537–38 than of his own in 1539–40. Russell was the first of a long succession of regional soldier-administrators. Lords lieutenants were usually experienced members of the Privy Council. The early holders of the office were, as Russell had been—except for the few months in 1539—'single figures dominating the situation'.[2] Not until during Elizabeth's reign were deputy-lieutenants appointed. Neither the lieutenants nor their deputies received any regular fees or even personal expenses. In other parts of the kingdom, in the North and in the Marches of Wales, expensive local councils continued to function right down into the seventeenth century, the office of lord lieutenant often being combined with that of president of a local council.[3] These were, of course, special areas and perhaps the extraordinary provision was necessary, although it is arguable that the importance, both political and constitutional, of the later Tudor Councils of the North and in the Marches of Wales has been exaggerated. Be that as it may, the early disappearance of the Council of the West opened the way, in Devon, Cornwall, Somerset and Dorset, for a much more fruitful and much less expensive experiment in local government.

Dr G. R. Elton, writing of Thomas Cromwell's administrative achievements in the 1530's, declares that: 'Every reorganization that took place was in the direction of greater definition, of specialization, of bureaucratic order.'[4] That may be true of the 1530's, but it was not the way in which Elizabethan England was

[1] G. Scott Thomson, *Lords Lieutenants in the Sixteenth Century*, pp. 26–29.

[2] *Ibid.*, p. 60.

[3] *Ibid.*, pp. 56–57.

[4] G. R. Elton, *Tudor Revolution in Government*, p. 415.

governed. The lord-lieutenancy suited the queen's particular methods very well. The great characteristic of the office was its elasticity. Her lords lieutenants could be appointed temporarily or permanently, for one or for a group of counties and they could be dismissed at will.[1] Thomas Cromwell achieved a great deal towards the departmentalizing of English administration, though not as much as he had no doubt hoped, and not all of it was permanent. His establishment of the Council of the West, if indeed it was mainly his doing, perhaps indicates the path he intended to pursue. He was not so naïve as to have been unable to distinguish between a potentially cooperative and law-abiding part of the realm and the border counties with their special needs. Given time and a free hand, he would probably have treated many other regions in the same manner. The Council of the West might have become merely one of a network of such bodies. By Thomas Cromwell's fall, not only the south-west but possibly the whole realm may have been saved from the consequences of his passion for a salaried bureaucracy.

[1] G. Scott Thomson, *op. cit.*, pp. 73–83.

ENGLAND AND THE EMPIRE IN THE EARLY TWELFTH CENTURY

By K. Leyser, M.A.

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THE Norman conquerors of England had at first little cause to seek connexions with the empire of the Salian kings and they had nothing to fear from it. Before William sailed on his expedition, he enlisted, it is true, not only the goodwill of the papacy, but also that of the young Henry IV. Henry, who at the age of fifteen had by German custom reached his majority, seems to have made it known that men from Germany could go to host with William, should the latter wish it.[1] Some of the Flemish knights who took part in the venture may have come from those fiefs of the count of Flanders which were held of the empire rather than of the kingdom of France.[2] Bruno, in his *Book on the Saxon War*, would have his readers believe that the Salian king, when preparing his revenge against the Saxon rebels in 1074, sent for help also to William, who is supposed to have replied that he dared not leave England.[3] But in the same year, only a few months earlier, it had been rumoured that the Conqueror was advancing against the Lotharingian frontiers of the *Reich* and about to seize Aachen at the invitation of Archbishop Anno of Cologne.[4]

The very contradictions of these reports have a meaning. The predatory politics of England's new masters and the demoralized opportunism of the German princes and of their young overlord did not depend on one another to thrive. Yet few of

[1] Guillaume de Poitiers, *Histoire de Guillaume le Conquérant*, ed. Raymonde Foreville (Paris, 1952), p. 154.

[2] In his treaty with Henry I, in 1101, the count of Flanders stipulated that military obligations to the emperor should count as a legitimate reason for not going to England to help the king against invasion. Henry IV's permission was therefore not without moment. *Cf. Actes des Comtes de Flandre, 1071–1128*, ed. F. Vercauteren (Académie Royale de Belgique, 1938), p. 90, § 4, and p. 92, § 13.

[3] *Brunos Buch vom Sachsenkrieg*, ed. H. Lohmann (Leipzig, 1937), p. 38.

[4] Lampert of Hersfeld, *Annales*, ed. O. Holder-Egger, *Scriptores Rerum Germanicarum in usum scholarum*, 1894, p. 195.

the empire's contemporary chroniclers failed to mention the Conquest or its portent, the comet, and at least one later German historian, Giesebrecht, was not a little shocked that a German king should have allowed the Saxons of England to be overwhelmed without stirring a finger; an Otto I or a Henry III would not have done this.[1] The censure may reflect pan-German patriotism of the nineteenth century rather than what was possible or likely in the eleventh, but it contains at least one grain of truth. Between the Old-English kingdom and the empire some community of sentiment and interest had existed ever since 929, when Æthelstan sent to the court of the Liudolfings two of his sisters, one of whom married Henry I's son and successor Otto. Neither the change of dynasty in Germany, in 1024, nor the Danish regime in England altered this. Konrad II married his son to a daughter of Canute. An imperial embassy congratulated Edward the Confessor, back on the throne of his ancestors, in 1043. Six years later, Edward concentrated his ships at Sandwich while Henry III invaded the lands of their common enemy, the count of Flanders. Society and church in later Saxon England on the whole resembled their counterparts in the empire more than those of northern France. Against this, the Norman aristocracy and their rulers, a generation after the Conquest, of necessity still looked first towards the courts and vassalages surrounding the duchy: Brittany, Anjou, Blois, the Capetian demesne, Vermandois and Flanders; these were the daily bread of their feuds and alliances. What then led Henry I to accept Henry V of Germany as his son-in-law and to renew connexions with the Salian house which had more or less been forgotten since Edward the Confessor's time? It is now more than sixty years since a German scholar, Rössler, published his work on the Empress Mathilda, and the significance of Mathilda's first marriage was not his chief concern.[2] No systematic study of this alliance, of its purpose and consequences, has appeared since, nor can it be attempted here. But some new evidence has come to light and much of the old may well repay another look, even if there is a danger of making too little go too far.

[1] W. von Giesebrecht, *Geschichte der deutschen Kaiserzeit*, 5th ed., iii, pp. 223 ff.

[2] O. Rössler, *Kaiserin Mathilde, Mutter Heinrichs von Anjou, und das Zeitalter der Anarchie in England* (Berlin, 1897).

In March 1109, Henry I wrote a letter to Archbishop Anselm from Rouen and, amongst other items of news, he told him that the business which had been pending between himself and the emperor of the Romans was now brought to its conclusion 'for the honour of God, our own, that of Holy Church and of all Christian people'.[1] Mathilda's marriage and probably also its terms seem to have been settled by then, at least in principle; for when Henry returned to England and kept his Whitsun court at Westminster on 13 June, imperial envoys arrived 'to complete contracts' and swear the necessary oaths guaranteeing their fulfilment.[2] Henry of Huntingdon described these men as imposingly large and well dressed.[3] A household clerk of Henry V, called Burkhard, later bishop of Cambrai, was most probably one of them, and he certainly helped to escort the eight-year-old princess to her new home in February 1110.[4] Early in March, Mathilda and her large Norman following arrived in Liège, where Henry V received her—in the words of the Paderborn annalist—'as befitted a king'.[5] For Easter, on 10 April, the court moved to Utrecht and here she was solemnly betrothed to him and assigned dower.[6] On 25 July she was crowned queen at Mainz by Archbishop Frederick of Cologne, assisted by Bruno of Trier; the latter then took charge of her education and saw to it that she was

[1] *S. Anselmi . . . Opera Omnia*, ed. F. S. Schmitt, v (Edinburgh, 1951), p. 410, no. 461.

[2] W. Farrer, 'An Outline Itinerary of King Henry I', *Eng. Hist. Rev.*, xxxiv (1919), p. 353; *Two of the Saxon Chronicles Parallel*, ed. C. Plummer (Oxford, 1892–99), i, p. 242: 'Daer wurdon þa forewearda full worhte.'

[3] Henry of Huntingdon, *Historia Anglorum*, ed. T. Arnold (R.S., 1879), p. 237: 'mole corporis et cultuum splendoribus excellentes'. For Suger's impressions of a German embassy at Châlons-sur-Marne, in 1107, see his *Gesta Ludovici Regis cognomento Grossi*, ch. 9, ed. A. Molinier (*Collection de Textes pour servir à l'étude et à l'enseignement de l'histoire*), Paris, 1887, p. 26, and *infra*, p. 71.

[4] Ordericus Vitalis, *Hist*[*oria*] *Eccl*[*esiastica*], ed. A. Le Prévost, iv (Paris, 1852), p. 296. On Burkhard's career, see F. Hausmann, *Reichskanzlei und Hofkapelle unter Heinrich V und Konrad III* (*Schriften der M*[*onumenta*] *G*[*ermaniae*] *H*[*istorica*], xiv, Stuttgart, 1956), pp. 87 ff.

[5] *Annales Patherbrunnenses*, ed. P. Scheffer-Boichorst (Innsbruck, 1870), p. 122; G. Meyer von Knonau, *Jahrbücher des Deutschen Reiches unter Heinrich IV und Heinrich V*, vi, pp. 116 ff.

[6] *Annales Patherbrunnenses*, *loc. cit.*, and Robert of Torigny's additions to William of Jumièges' *Gesta Normannorum Ducum*, ed. J. Marx (Société de l'histoire de Normandie), Rouen, 1914, p. 281.

taught German and the manners of the country.[1] In January 1114, when Mathilda had not yet reached the age of twelve, Henry V, now emperor and at the height of his fortunes, finally married her amidst great festivities.[2] From then onwards she shared the migratory life which the rulers of the *Reich* had to lead to make their authority felt.

The initiative for the match seems to have come from Henry V, though we cannot absolutely trust those Anglo-Norman writers, Henry of Huntingdon, Robert of Torigny and the author of *Draco Normannicus*, who made a point of holding up the Salian emperor as a suitor.[3] They were, for the most part, devout flatterers of the royal house. But there is, in the famous Bamberg collection known as the *Codex Udalrici*, a letter of Henry V to Henry I's queen, Mathilda, in which he thanked her effusively for speaking well of him to her husband and others. Henry V also expected that her goodwill should continue to be of service to him 'in those things which we ask of your lord'.[4] The wording suggests that this letter accompanied one of his embassies and it confirms that the negotiations took some time. But Henry I can hardly have wanted the alliance any less than the Salian king, since he sent him at least 10,000 marks of silver with Mathilda, not to mention other rich presents which she brought with her to Liège.[5] To raise this sum or, more likely, to refill his treasury, he levied an aid of three shillings on the hide.[6] A few anxious prelates and religious can be found to have secured writs com-

[1] Robert of Torigny, *loc. cit.* It appears from Suger (*op. cit.*, *loc. cit.*) that Archbishop Bruno was able to speak French.

[2] Ekkehard von Aura, *Chronicon*, ed. Waitz, *M.G.H.*, *Scriptores*, vi, pp. 247–48.

[3] Henry of Huntingdon, *Historia Anglorum* (R.S.), p. 237: 'nuntii . . . filiam regis in domini sui conjugium postulantes'; Robert of Torigny, *op. cit.*, p. 280: 'in conjugem requisivit'; *Draco Normannicus*, ed. R. Howlett, *Chronicles of the Reigns of Stephen, Henry II and Richard I* (R.S., 1884–90), ii, p. 597: 'quaerit consociare sibi'.

[4] *Monumenta Bambergensia*, ed. P. Jaffé (*Bibliotheca Rerum Germanicarum*, v), p. 259, no. 142.

[5] Ordericus Vitalis, *Hist. Eccl.*, ed. A Le Prévost, iv, p. 8. According to the Winchester Annals, the sum was 15,000 marks; *cf. Annales Monastici*, ed. H. R. Luard, ii (R.S., 1865), p. 43.

[6] Henry of Huntingdon, *Historia Anglorum*, *loc. cit.* In the *Anglo-Saxon Chronicle E*, the aid is mentioned amongst the calamities of the year 1110; see *Two of the Saxon Chronicles Parallel*, ed. C. Plummer, i, p. 243.

manding that this tax was not to prejudice their status under earlier grants or usher in new customs.[1] Very few exemptions can be traced, but one of these acquitting five hides of the abbot of Abingdon's lands reveals incidentally that the king had been granted the aid by his barons.[2] A royal marriage in the twelfth century could not be just the private concern of the ruler. His vassals, his whole kingdom, had to be associated with it. It was their duty to enhance his honour and they shared the pride of a great connexion.

Here is perhaps the idea which prompted, if it did not justify, all the ostentation, the circumstance, the expense of the occasion. The Normans in the early twelfth century were still regarded, not without cause, as dangerous intruders, a threat to established powers and dynasties in a Europe which had not yet acquiesced in the situation created by their conquests. Mathilda's very arrival in Liège furnishes a good example of these suspicions. The large Norman following which escorted her to Germany, especially Roger FitzRichard de Clare, we are told, looked for profitable openings and careers in the empire as their like had done at Salerno and in the Confessor's England. But Henry V who knew his men sent them home again; loaded with presents, they were firmly shown the door.[3] The Norman kings too were newcomers amongst the crowned heads of their time. If their ducal standing was old, their regality was recent. It is true that William I had a crown made for himself by a Greek, which with its arc and twelve pearls resembled that of Otto the Great, the crown of the empire *par excellence*.[4] But these were as yet pretensions, and the possession of power alone could not make them ring true. The most obvious reason for Henry I to give so much in order to marry his daughter into the Salian dynasty was the exaltation

[1] *Regesta Regum Anglo-Normannorum, 1066–1154*, ii, ed. C. Johnson and H. A. Cronne, nos. 946, 963, 968.

[2] *Ibid.*, nos. 959, 962, 964; *Chronicon Monasterii de Abingdon*, ed. J. Stevenson (R.S., 1858), ii, p. 113: 'et nominatim de isto auxilio quod barones mihi dederunt'. It is interesting to note that this, the first aid *pour fille marier*, was levied as a geld and not on the knight's fee.

[3] Ordericus Vitalis, *Hist. Eccl.*, iv, pp. 296 ff. But at least one of her followers, Henry, archdeacon of Winchester, stayed and was later given the bishopric of Verdun; *cf.* Meyer von Knonau, *Jahrbücher*, vii, p. 44.

[4] P. E. Schramm, *Herrschaftszeichen und Staatssymbolik* (*Schriften der M.G.H.*, xiii, Stuttgart, 1954–56), ii, pp. 393 ff.

of his own house. The emperor was the secular ruler with the highest rank outside Byzantium and, although he had no recognized powers and jurisdiction beyond the western frontiers of the *Reich*, he enjoyed a precedence over other reigning princes which was strengthened if he sprang from a long-established line as Henry V did.[1] He was undoubtedly purple-born, an idea not altogether alien to Germany in the eleventh century, and he defended the dual majesty of his position, the claims of his blood and the imperial name with all the harshness of his nature.[2] When, in October 1119, he entered into negotiations with Pope Calixtus II to be reconciled with the Church, his spokesmen insisted that there should not be another Canossa. Henry V would approach the pope with his boots on and in private.[3] Early in February 1111, on the road to Rome, he demanded that Pascal II should crown him as his ancestors had been crowned, without omitting anything knowingly.[4] This was aimed at the ideology of the reformers, who rejected the older and more theocratic coronation *ordines*.

The enhanced credit and respect which Henry I wanted to derive from his alliance with the Salian dynasty can be found in the writings of his court clerks and biographers. They, on the whole, did not disappoint his expectations. The author of the *Quadripartitus* seems to have counted the imperial connexion as one of the king's triumphs.[5] A more rewarding source, however, is the history of Henry I which Robert of Torigny added as an eighth book to William of Jumièges' *Gesta Normannorum Ducum*. As the date for the composition of this work its editor, J. Marx, has suggested the year 1149, but Robert in the prologue to his later chronicle said that he had written the history of

[1] *Cf.* R. Holtzmann, *Der Weltherrschaftsgedanke des mittelalterlichen Kaisertums und die Souveränität der europäischen Staaten* (Wissenschaftliche Buchgemeinschaft, Tübingen, 1953).

[2] Lampert of Hersfeld (*Annales*, p. 270) describes Henry IV as 'in imperio natus et nutritus'.

[3] *Hessonis scholastici relatio de concilio Remensi*, ed. W. Wattenbach, *M.G.H.*, *Libelli de Lite . . .*, iii, p. 26.

[4] See the *Promissio Papae per Petrum Leonis dicta*, *M.G.H.*, *Const*[*itutiones et Acta Publica*], i, pp. 138–39, no. 85.

[5] F. Liebermann, *Die Gesetze der Angelsachsen* (Halle, 1898), i, p. 534: 'Teutonicorum maiestatem . . . triumphauit', probably an allusion to the marriage.

Henry I when the king's death was still a recent event, and for this 1149 is decidedly too late.[1] The eighth book carries the story up to the year 1137 and gives an excellent account of Henry I's large, though mainly illegitimate, family. Mathilda, his only surviving legitimate child, has of course pride of place in this assembly and her munificence to Bec, at this time Robert's home, is not forgotten. We learn from this source that the empress after the death of her husband, in 1125, only reluctantly obeyed her father when he sent her to Normandy in 1127 to marry the young count of Anjou.[2] Robert at this point compared her first with her second match and was anxious to console his readers, even the empress herself, for the disparity between them.

> 'For although the count of Anjou is of far less dignity than the Roman emperor,' he wrote, 'all the same, if anyone consults "the History of the Kings of France", he will discover from how noble a line the counts of Anjou have sprung.' [3]

It was not such a step down after all. There is yet another passage in Robert's continuation of William of Jumièges which shows how the imperial connexion was used to add new material to the Norman dynasty's cult of its own renown. In 1134 Mathilda bore the count of Anjou a second son, Geoffrey, but fell gravely ill during her labour and began to prepare for death by distributing her treasures.[4] Bec received more than many other houses and there she wished to be buried. But Henry I refused to allow this: his daughter, the 'imperatrix augusta', had at Rome walked twice under the imperial crown placed upon her by a pope's hands. It was not fit that she should be buried in any monastery, however famous. She must lie at least in Rouen, the metropolis of the Normans, where her ancestors, Rollo and William Longsword, the conquerors of Normandy, had their tombs. Henry is reported to have yielded to his daughter's wishes in the end; in any case Mathilda recovered.[5]

[1] William of Jumièges, *Gesta Normannorum Ducum*, ed. Marx, p. xxviii; Robert of Torigny, *Chronica*, Prologue, ed. R. Howlett, *Chronicles of the Reigns of Stephen, Henry II and Richard I* (R.S., 1884–90), iv, p. 65.

[2] *Gesta Normannorum Ducum*, p. 300.

[3] *Ibid.*, p. 301: 'Licet enim multo minoris dignitatis sit comes Andegavensis, quam imperator Romanus'.

[4] Robert of Torigny, *Chronica*, pp. 123 ff.

[5] *Gesta Normannorum Ducum*, pp. 303–305, especially p. 304: 'quae semel et iterum in urbe Romulea, quae caput est mundi, per manus Summi Pontificis imperiali diademate processerat insignita'.

The sentiment which Robert attributed to the king becomes the more interesting for being founded on misleading information. Robert did not make Henry I say that his daughter had been anointed and crowned empress. The suggestion is that she had worn the imperial diadem on one of the great feast days, when it was customary.[1] The ambiguity enters with the claim that the pope had placed it upon her head. Robert knew very well that a German king who had not been crowned by the pope at Rome could not properly be called an emperor, for he wrote about Konrad III in his later chronicle: 'he was never crowned at Rome; he is therefore not rightly called emperor, but king of the Germans'.[2] Now, when Henry V and Mathilda advanced on Rome with their forces, early in 1117, Pascal II with most of the *curia* withdrew to the south and would not return.[3] To keep Easter, on 25 March, the emperor had himself crowned at St Peter's by Archbishop Maurice of Braga before the altar of St Gregory which stood in a chapel off the left aisle. The *Vita Paschalis*, our source for this, does not mention Mathilda here, though she may have worn the crown as queen on this occasion.[4] According to the so-called *Annales Romani*, however, Henry V arranged a coronation for her on Whitsun day, 13 May.[5] But only the pope himself could have crowned her empress and, by this time, confused fighting had broken out in the Campagna between his Norman auxiliaries and Henry V's local supporters.[6] These proud solemnities with their *laudes* and *honores* were perhaps intended to serve as a substitute for a true imperial coronation, but this could deceive no-one. Pascal II died on 21 January

[1] On the custom in the empire, see H. W. Klewitz, 'Die Festkrönungen der deutschen Könige', *Zeitschrift f. Rechtsgesch.*, lix, Kanon. Abt. xxviii (1939), pp. 48 ff.

[2] Robert of Torigny, *Chronica*, p. 164.

[3] See Henry V's letter to Bishop Hartwig of Regensburg in the *Codex Udalrici*, ed. P. Jaffé, pp. 314 ff., no. 178; *Chronica Monasterii Casinensis*, ed. W. Wattenbach, *M.G.H.*, *Scriptores*, vii, p. 791. On 12 March, Pascal was at Capua, and from 16 March onwards, at Benevento: P. Jaffé and S. Loewenfeld, *Regesta Pontificum Romanorum* (Leipzig, 1885), i, nos. 6545–46.

[4] *Lib*[*er*] *Pont*[*ificalis*], ed. L. Duchesne, ii (Paris, 1892), p. 304; on the chapel of St Gregory, see E. Eichmann, *Die Kaiserkrönung im Abendland* (Würzburg, 1942), ii, p. 25.

[5] *Lib. Pont.*, ii, p. 344.

[6] *Chronica Monasterii Casinensis*, *loc. cit.*; *Vita Paschalis II*, *Lib. Pont.*, ii, pp. 304–305.

1118, and when Maurice of Braga, under the name of Gregory VIII, was set up as a schismatic rival to Pope Gelasius II, the emperor let himself be crowned by him again on Whitsunday, 2 June.[1] This time, he had brought only a handful of knights from northern Italy and it is not certain whether Mathilda was there.[2] But even had she taken part in the ceremony, it would hardly have satisfied either her own or her father's ambitions. Maurice of Braga had already been excommunicated by Pascal II at Benevento in April 1117 for his share in the Roman Easter festivities.[3] He ended his brief pontificate as a captive, humiliated and maltreated by Gelasius II's successors. His acts were anathema, and coronation at his hands was something to keep dark rather than to boast of. These embarrassments Robert of Torigny and indeed Henry I had to gloss over, if Mathilda was to be presented as a true empress.[4] Time alone could cover up the defects of her title, but on the whole it did its work well for the pride of the Anglo-Norman dynasty. As early as 1139, Bishop Ulger of Angers, in the course of defending her rights to the English throne at the Lateran Council, ventured to assert publicly that Mathilda had been anointed empress by Pascal II.[5] In the *Ymagines Historiarum* of Ralph de Diceto the two crownings at Rome have become three, but it must be admitted that Ralph thought it note-worthy, if not odd, that Mathilda, who bore Henry V no children and married again, should have clung to the imperial name as long as she lived.[6] The style of her English charters bears him out. But in Henry V's diplomata, before and after 1118, she is called 'regina' and on the only two which she herself issued in Germany, both after 1118, she appears in the

[1] *Chronica Monasterii Casinensis*, p. 792.

[2] *Annales Romani*, *Lib. Pont.*, ii, p. 346: 'cum festinatione Romam petiit cum paucis militibus'.

[3] See Gelasius II's letter to the prelates, clergy, princes and faithful in France, dated 16 March 1118: Jaffé and Loewenfeld, *Regesta Pontificum Romanorum*, no. 6635, and Migne, *Patrologia Latina*, clxiii, 489.

[4] Robert of Torigny knew that Mathilda up to the time of her wedding, in 1114, was under tutelage and could not have been on the Roman expedition of 1110–11 (*cf. supra*, p. 64, n. 1). His carefully chosen words suggest evasiveness rather than error.

[5] John of Salisbury, *Historia Pontificalis*, ed. R. L. Poole (Oxford, 1927), p. 87, and Appendix vi.

[6] Ralph de Diceto, *Ymagines Historiarum*, ed. W. Stubbs, *Radulfi de Diceto . . . Opera Historica* (R.S., 1876), ii, p. 16.

address as *Dei gratia Romanorum regina*.[1] The seal which she brought with her to England bore the same legend.[2]

Much more could be said of the respect which the empire enjoyed in Anglo-Norman historiography, and of the cultural legacy of Mathilda's first marriage. Her treasures included at least two German crowns, a very important relic from the imperial chapel, great mantles of state and books.[3] But when men as hard-headed as Henry I and Henry V concluded alliances, one must ask whether there was not something more at stake than snobbery on one side and admiration for recent success on the other.

The Norman bridal party was not the only embassy to arrive at Liège in March 1110. An imposing German mission to the *curia* returned from Rome at the same time to report, and this was perhaps not just a coincidence.[4] Henry V had come to the throne as the faithful son of the Church, seizing the lead in the last rebellion against his father, in 1105. Probably this seemed to him the only way of saving the kingship for his dynasty, for as long as Henry IV remained unreconciled with the papacy, he was vulnerable and his authority precarious. Absolved from excommunication after leaving his father's camp, the young Henry at once became the hope of many German bishops who desperately wanted peace and the end of schism with its petty local wars which wasted their sees. But he also received the blessing of Pope Pascal II through his legate and in writing. These supports which the young king used with almost repulsive skill to build up his following and force his father to surrender were, however, mutually contradictory. At Rome, it was expected that a more obedient and receptive prince at the head of the *Reich* would at last yield to the demands of the Church. These demands, especially the abolition of lay investiture, as they reverberated from one synod to the next, year in year out, came dangerously near to being mistaken for the ends which they had originally been

[1] *Oorkondenboek van het sticht Utrecht tot 1301*, ed. S. Muller and A. C. Bouman, i (Utrecht, 1920), p. 277, no. 302, and p. 291, no. 318.

[2] W. de Gray Birch, 'A Fasciculus of the Charters of Mathildis, Empress of the Romans', *Journal of the British Archaeological Association*, xxxi (1875), pp. 381 f.; P. E. Schramm, *Die Deutschen Kaiser und Könige in Bildern ihrer Zeit*, i, p. 216, and ii, Abb. 118.

[3] See the *Libellus* at the end of the *Draco Normannicus*, ed. Howlett, *Chronicles of the Reigns of Stephen . . .* (R.S.), ii, p. 758. The relic was the arm of St James.

[4] G. Meyer von Knonau, *Jahrbücher*, vi, p. 115.

designed to achieve: the *libertas ecclesiae* and reform.[1] It was a far cry from the heroic days of Gregory VII. The German episcopate on the other hand, who looked for security of tenure and a measure of royal protection and peace, accepted the customary method of their promotion even before the new king was firmly established on his throne. Astute and trained in a formidable school, Henry V emerged from the *coup d'état* of 1105–1106 without having granted away any of his rights over bishoprics and abbeys. He had won his reconciliation on fair words, but this also meant that the conflict continued. Faced with stronger and more united opposition in Germany, Pascal II was drawn towards the hospitable Capetians and the reliable hierarchy of France, where papal firmness was backed by the public opinion of the church. In 1107, the negotiations for a settlement between *regnum* and *sacerdotium* took place on French soil and the quarrel at once grew sharper. Henry V's embassy consisting of ecclesiastical and lay princes and of his chancellor Adalbert of Saarbrücken met Pascal II, surrounded by French prelates, at Châlons-sur-Marne in May. Suger's description of the encounter suggests that dislike of the Germans worsened the atmosphere of the public exchanges.[2] Later in the same month, a council held at Troyes again forbade clerks to accept investiture from the laity and bishops to ordain such men.[3]

Henry V had seen to it that his embassy should appear to speak for the *Reich* and not only for himself.[4] It seems also that he tried to win the support of Philip of France before the negotiations with the *curia* began, for, on 2 February 1107, he received envoys from the French king at Quedlinburg to arrange a meeting.[5] But this came to nothing precisely because the Capetians saw their best advantage in allowing Pascal to have the facilities of their kingdom for his stand against the imperial church.[6] The year 1108 passed with the Salian king and his princes waging war in Hungary. When therefore he sent his first and of necessity very discreet embassy to Henry I in Normandy, perhaps soon after the

[1] At least one contemporary, Hugh the Chanter, felt this strongly; *cf. Historians of the Church of York*, ed. J. Raine (R.S., 1879–94), ii, p. 111.

[2] Suger, *Gesta Ludovici . . . Grossi*, ed. Molinier, pp. 26 ff.

[3] *M.G.H., Const.*, i, p. 566, no. 396.

[4] J. Haller, *Das Papsttum*, 2nd ed. (Stuttgart, 1951), ii, p. 488.

[5] *Annales Patherbrunnenses*, p. 116. [6] Suger, *op. cit.*, p. 26.

beginning of the new year, the settlement between *regnum* and *sacerdotium* and the Roman expedition for the imperial coronation, for the two had now become joint causes, were still by far the most urgent and serious of Henry V's concerns. They cannot have been left out of his calculations and when he looked for a wife, he also wanted to find an ally for the inevitable trial of strength in Rome.

At this point, it is necessary to turn to the English investiture conflict and the well-known agreement which is by many authorities thought to have ended it, in the first days of August 1107.[1] For its terms, we depend on Eadmer's account of the great assembly at Westminster, which for three days debated the question until in the end Henry I publicly renounced investiture with ring and staff, both for himself and his lay vassals, while Anselm granted that no-one elected to a prelacy should be disappointed of his consecration because he had done homage to the king.[2] Pascal II's letter to the archbishop, dated 23 March 1106, gave authority for this concession.[3] It neither spoke of canonical election nor yet of *electio in praesentia regis*, which is sometimes thought to have been part of the agreement. Eadmer's carefully weighed statement is equally reticent. From this evidence it is difficult to conclude that Pascal II expressly and openly gave Henry I the right to have elections held at his court and in his presence. He preferred to tolerate these evils in silence. What William of Malmesbury and Hugh the Chanter said about the settlement at a later date is not so much a description of its terms as a comment on its results, which seemed to favour the king in everything but a matter of form.[4] Yet despite this, there is

[1] *E.g.* A. Scharnagl, *Der Begriff der Investitur in den Quellen und der Literatur des Investiturstreites* (*Kirchenrechtliche Abhandlungen*, lvi, Stuttgart, 1908), p. 66; W. J. Corbett in *Cambridge Med. Hist.*, v, p. 532; Haller, *op. cit.*, ii, p. 482; Raymonde Foreville, *L'Église et la Royauté en Angleterre sous Henri II Plantagenet* (Paris, 1943), p. 8; N. F. Cantor, *Church, Kingship and Lay Investiture in England, 1089–1135* (Princeton, 1958), p. 202.

[2] Eadmer, *Historia Novorum*, ed. M. Rule (R.S., 1884), p. 186.

[3] Jaffé and Loewenfeld, *Regesta Pontificum Romanorum*, no. 6073; Eadmer, *op. cit.*, p. 178 f.

[4] William of Malmesbury, *Gesta Regum*, ed. W. Stubbs (R.S., 1887–89), ii, p. 493; 'retento tantum electionis et regalium privilegio'; Hugh the Chanter, *Historians of the Church of York*, ii, p. 110: 'nihil aut parum amisit, parum quidem regiae dignitatis, nihil prorsus potestatis quem vellet intronizandi'.

good evidence to show that in 1107 and for sometime afterwards Henry I resented the loss of his paternal customs.[1] In the first place, even the concession that bishops elect could do homage to the king for their temporalities was not secure. Pascal II's hope that it should not be so for ever appears in a well-known passage of his letter to Anselm.[2] The king's anger became outspoken in 1108 and the archbishop of Canterbury had to write in some alarm to the Pope that Henry threatened to invest prelates with ring and staff again, under the impression that the German ruler was allowed to do so with impunity.[3] Pascal in his reply announced that the ferocity of the Germans would be tamed and that the sword of St Peter was already drawn against the Salian prince if he persisted in his father's ways.[4] This letter is dated 12 October, just after a synod held at Benevento had in fact decreed that both those who invested and those who accepted investiture should be excommunicate.[5] But Henry I must have remembered an early and notorious incident in his quarrel with Pascal II and Anselm, the allegations of his envoys Archbishop Gerard of York, Bishops Robert of Chester and Herbert of Norwich in 1102. Returning from Rome, they said that the Pope had, despite the uncompromising tone of his letters, told them in private that he would let Henry invest and not exclude him from the sacraments for it, so long as he lived the life of a good prince and chose prelates well.[6] There is another hint of Archbishop Anselm's anxieties and of the king's threats during the early summer of 1108. It comes from Hugh the Chanter's *History of the Four Archbishops of York*. Thomas, the king's chaplain, had, on or just before 24 May, been raised to the archdiocese. For a time at least, his chances of avoiding the profession to Canterbury seemed good, though Hugh was not sure whether the king only favoured the cause of York 'because

[1] His extreme reluctance to part with them is well attested; see, for instance, William of Malmesbury, *op. cit.*, p. 489: 'vix tandem ad consentiendum . . . inflexus'.

[2] Eadmer, *op. cit.*, p. 179: 'donec per omnipotentis Dei gratiam ad hoc omittendum cor regium tuae praedicationis imbribus molliatur'.

[3] *S. Anselmi . . . Opera Omnia*, ed. Schmitt, v, p. 399, no. 451.

[4] *Ibid.*, p. 400, no. 452; Jaffé and Loewenfeld, *Regesta Pontificum Romanorum*, no. 6206.

[5] Meyer von Knonau, *Jahrbücher*, vi, p. 90.

[6] Eadmer, *op. cit.*, pp. 137–38; Jaffé and Loewenfeld, *Regesta Pontificum Romanorum*, no. 5928.

he did not love Anselm well', who had forbidden him his investitures.[1]

Henry I was thus not merely a disinterested spectator in the enterprise which his son-in-law was about to set on foot after they had concluded their marriage treaty. He must have known about the *expeditio Romana*, planned for August 1110, which had for its aims the recovery of the Italian kingdom, the imperial coronation and a settlement with Rome which would leave the emperor in possession of his investitures while paying lip service to the demands of the Church. Early in the year, Henry V held a diet at Regensburg, where the expedition was sworn by the south-German princes.[2] At the Easter court in Utrecht, on 17 April, those of the west without exception joined in this oath which bound them to take part with their contingents or at least furnish aid.[3] Mathilda had in the meantime arrived and it is not difficult to see how useful her portion of 10,000 marks was at this moment to Henry V. As they travelled down the Rhine for her coronation at Mainz, the princes and their knights were arming, the age-old and somewhat rusty military machinery of the Roman expedition came to life, oiled by the king's lavish expenditure. According to Ekkehard of Aura, the principal chronicler for the reign, he spent untold sums on the wages of his forces.[4]

The financial resources of a German ruler in the high Middle Ages defy assessment. There is no *Inquisitio Geldi*, no *Dialogus*, no Pipe Roll, to study either the methods used to collect money-revenues or the annual yields from ordinary sources such as tolls, mints, mines and *census*.[5] More certain is our knowledge of the tributes which subject and vassal powers like Poland and Bohemia had to pay when the king's expeditions to these regions compelled their rulers to recognize his overlordship.[6] It is the

[1] *Historians of the Church of York*, ii, p. 114: 'an propter hoc quod non bene Anselmum archiepiscopum amabat quia investituras prohibuerat, tunc quidem incertum'.

[2] Ekkehard, *Chronicon*, ed. Waitz, *M.G.H.*, *Scriptores*, vi, p. 243.

[3] *Annales Patherbrunnenses*, p. 122.

[4] 'Regia munificus liberalitate datis ubique inestimabilis pecuniae stipendiis' (Ekkehard, *op. cit.*, *loc. cit.*).

[5] For the history of the *servitia* in kind which bishoprics and royal abbeys owed to the crown, see B. Heusinger, '*Servitium Regis* in der deutschen Kaiserzeit', *Archiv für Urkundenforschung*, viii (1923).

[6] G. Waitz, *Deutsche Verfassungsgeschichte* (Kiel, 1878), viii, pp. 372 ff.

extraordinary exactions, fines, bribes, money paid for having the king's grace or his mercy, ransoms, sums tendered for enfeoffments or bishoprics that chroniclers found worth noting, and from these one can make at least some deductions about the liquid resources available to the *Reich* at a given time. It still remains impossible even to guess how these fitful incidents compared with the ordinary sources of cash. Probably they were always a high proportion of the total and there are grounds for thinking that their importance rose during the first quarter of the twelfth century. It is characteristic of Henry V's aims and methods that the chroniclers from all parts of the empire offer so much and mostly indignant information about his brutal exactions.[1] For his reign was a harsh struggle waged by unscrupulous means to recover possessions that had had to be abandoned during the disastrous civil wars of his father's time or to find compensation and alternatives for what was irretrievably lost. This explains the rumours of new and unheard-of taxes in Lotharingia and Saxony during the years 1114 and 1115 and, above all, Henry V's threat to create a fiscal system on the English model by the advice of his father-in-law.[2] That he had such a plan towards the end of his reign is known from a passage in Otto of Freising's chronicle.[3] Unfortunately, no trace of what the emperor had in mind or how he hoped to assess a general tax has come to light.

As far as can be known, the 10,000 marks from England made up the largest single sum Henry received up to the time of the Roman expedition. In 1106, he forced the men of Cologne to redeem themselves with 5,000 marks for having fought in the cause of his father up to the day of his death.[4] In 1107, it is true, he extorted a promise of 10,000 marks of silver from one of the contenders for the Bohemian duchy, but only 7,000 marks were

[1] Ekkehard (*Chronicon*, p. 265) mentions the huge treasure which Henry V was thought to have amassed by the end of his reign; for examples of extortion, see *infra*.

[2] *Annales Rodenses*, *M.G.H.*, *Scriptores*, xvi, p. 698; *Annales Pegavienses*, *ibid.*, p. 251.

[3] Otto of Freising, *Chronica . . . de Duabus Civitatibus*, ed. A. Hofmeister, *S*[*criptores*] *R*[*erum*] *G*[*ermanicarum*] *in usum scholarum*, Hannover–Leipzig, 1912, p. 332 f.

[4] *Chronica Regia Coloniensis*, ed. G. Waitz, *S.R.G. in usum scholarum*, Hannover, 1880, p. 45: 'Colonienses deditionem faciunt, insuper regi pro optinenda gratia sua 5000 marcarum solvunt.'

actually paid.[1] As he fought hard and not very successful campaigns in Flanders, Hungary and Poland during the next few years, a good deal of these reserves must have been spent by 1110. The Roman expedition was by far the most burdensome of the princes' obligations towards the *Reich*. Already in the eleventh century, money was needed to equip the nobles and *ministeriales* and to support them at least until they had crossed the Alps.[2] Once in Italy, the tax known as the *fodrum* and the profits of war maintained the German forces. In the twelfth century, the necessity of finding large sums of money for their contingents often placed a severe strain on the princes. Examples of bishops mortgaging estates for this purpose are not at all rare under Frederick Barbarossa.[3] No such difficulties can be traced in the raising of the Roman expedition of 1110, and this is perhaps most easily explained by Henry V's lavish distribution of pay. Yet he would hardly have been able to spend so much without Mathilda's marriage portion. The army which descended on Italy in mid-August was exceptionally large. That at least can be deduced from the figure of 30,000 knights which Suger, Ordericus Vitalis, Otto of Freising and a Rhine-Frankish source gave for its size.[4] It is not far-fetched to connect its overwhelming strength with the treasure from England. Henry I had a direct stake in the success or failure of his son-in-law's expedition.

The events at and near Rome between 12 February and 13

[1] Cosmas of Prague, *Chronica Boemorum*, ed. B. Bretholz, *M.G.H., S.R.G., nova series*, ii (Berlin, 1955), pp. 187–88.

[2] See the *Dienstrecht* of the Bamberg *ministeriales* of *c.* 1060 in the *Codex Udalrici*, ed. P. Jaffé, no. 25, p. 52: 'Si expeditio est in Italiam, dominus per singulas loricas unum equum det et tres libras'; see also a Weissenburg *Dienstrecht*, *ibid.*, no. 14.—Henry IV's Italian expedition of 1081 depended largely on paid service (G. Meyer von Knonau, *Jahrbücher*, iii, pp. 352 ff.).

[3] *E.g.* Arnold of Selehofen, archbishop of Mainz, before the Lombard expedition of 1158; *cf.* H. Simonsfeld, *Jahrb. d. Deutschen Reiches unter Friedr. I*, i (Leipzig, 1908), pp. 639–41. In 1166, the bishop of Hildesheim had to pawn an estate to help him raise 400 marks so that he should be quit of service in Italy (*Urkundenbuch des Hochstifts Hildesheim*, ed. K. Janicke (*Publ. aus Preuss. Staatsarchiven*, lxv, Leipzig, 1896), i, p. 322, no. 337). Philip of Heinsberg, archbishop of Cologne, mortgaged his mint in 1174 'ad Italice expeditionis preparationem', and two great manors in 1176 (*Urkundenbuch f. die Gesch. des Niederrheins*, ed. T. J. Lacomblet, Düsseldorf, 1840–58, i, p. 318, no. 452; p. 319, no. 455; p. 328, no. 468).

[4] Meyer von Knonau, *Jahrbücher*, vi, p. 129, n. 40. f.

April 1111 cannot be described here. In capturing Pascal II and a number of cardinals and forcing them to yield an investiture privilege to him, Henry V failed to see where the strength of his opponents really lay. Sixty years of propaganda and agitation had done their work and the churches in southern France, Burgundy, Italy and also in Lotharingia did not accept so damaging a *volte-face* from a pope acting under duress. The Salian king probably knew that his battle was only half won after the treaty of Ponte Mammolo, when Pascal II promised to forgive the injury, grant the investiture privilege and crown him. For Henry had brought with him to Rome a gifted writer with the express purpose of presenting his acts to the world in the most favourable light.[1] David the Irishman had been *scholasticus* at Würzburg cathedral before he was taken into the royal chapel to become the official historian of the expedition and perhaps also draft the emperor's *relatio*, a brief narrative stringing together the documents of the treaty.[2] David's history was known to Ekkehard of Aura, who for a time at least was another of Henry's commissioned historiographers.[3] But besides Ekkehard, only the two Anglo-Norman historians, William of Malmesbury and Ordericus Vitalis, can be shown for certain to have used David's book, which is unfortunately lost.[4] William of Malmesbury has given the most substantial extracts from it together with the documents of the treaty, and he is also our authority for David's later career: in 1120, he became Bishop of Bangor. From Eadmer's account of his election by 'prince, clergy and people of Wales' it would be quite impossible to connect the former imperial chaplain with the Welsh diocesan.[5] Eadmer, though mentioning Henry I's consent to this election, made David appear as a backwoodsman whom Archbishop Ralph instructed for a few days before consecrating him at Westminster and taking his profession of obedience, which has survived in a Canterbury manuscript.[6] Eadmer's indifference to the true background of

[1] For information on David, see F. Hausmann, *Reichskanzlei und Hofkapelle unter Heinrich V und Konrad III*, pp. 83 and 310.

[2] *M.G.H.*, *Const.*, i, p. 151, no. 101.

[3] Ekkehard, *Chronicon*, p. 243, *sub anno* 1110.

[4] William of Malmesbury, *Gesta Regum*, ii, p. 498; Ordericus Vitalis, *Hist. Eccl.*, iv, p. 7: 'Irensis quidam scolasticus'.

[5] Eadmer, *Historia Novorum*, p. 259 f.

[6] Brit. Mus., Cotton MS., Cleopatra E.I., fo. 31r.

the man who made it is not difficult to explain. He wanted to record a telling example of the Welsh bishopric's subjection to Canterbury, recognized in due form. David's promotion was probably not very different from that of most other bishops at that time; the king's will counted for most. He can be shown to have been at court in 1121, to have taken part in episcopal consecrations and in the council held at Westminster in 1127.[1] William of Malmesbury, although he did not approve of David's clever apologia for Henry V's deeds, none the less held him in respect.

Thanks to a discovery and an admirable piece of detective work by Walther Holtzmann there is even better evidence to prove that the results of the emperor's work in Rome were eagerly awaited at Henry I's court.[2] Burkhard, the envoy whom we met conducting Mathilda to Germany in 1110, sent a letter to his Anglo-Norman travelling companion Roger FitzRichard de Clare and a certain Gilbert, one of Henry I's chaplains, shortly after the imperial coronation on 13 April 1111. It was written hurriedly and at night, but he added to it the *acta* of the Treaty of Ponte Mammolo and Pascal II's investiture privilege. The missive ended with the latest news from Rome and southern Italy and the Latin chronicler of Worcester used this source for his account of the peace between *regnum* and *sacerdotium* and of the coronation. The emperor sent the text of his investiture privilege and accounts of his proceedings to all the great churches of the *Reich* but it is clear that England was hardly less well plied with the news and the propaganda than the empire itself.

It could be argued, however, that Henry I after all did not, as far as is known, resume his investitures, and that the case for his being an accessory before the fact is, therefore, at least, not proven. But the protests against the emperor's violence at Rome and the extorted *pravilegium*, as it came to be called, began to be heard even before the Germans had reached home. It soon gained

[1] *Regesta Regum Anglo-Normannorum*, ii, nos. 1243 and 1245; *The Chronicle of John of Worcester*, ed. J. R. H. Weaver (*Anecdota Oxoniensia*, 1908), pp. 16, 19, 23.

[2] W. Holtzmann, 'England, Unteritalien und der Vertrag von Ponte Mammolo', *Neues Archiv*, l (1935), pp. 282–301; *id.*, *Beiträge zur Reichs- und Papstgeschichte des Hohen Mittelalters* (*Bonner Histor. Forschungen*, viii, 1957), p. 107.

momentum and took the form of a revolt from below which forced Pascal II to disavow his grant and allow his synods and legates a free hand in attacking Henry V, with whom, however, he himself never quite broke off relations. It would have been dangerous to swim against this torrent anywhere but in Germany, and even there opposition soon rose. But the events of 1111, the recriminations which followed and the confusion they spread in the ranks of the Church's protagonists can only have helped Henry I. For a time at least, they made it easier for him to enjoy his 'customs' in the control of the Anglo-Norman Church. It has already been said that the king's rights over episcopal and abbatial elections, in the case of royal monasteries, were not really secure, but rested on silences at Rome which might at any time be broken. Once the situation created by the *pravilegium* was overcome, Henry I's customs could be challenged and they were. Sooner or later, a new archbishop had to ask for his pallium at Rome and this opened the ecclesiastical regime in England and Normandy to examination and criticism at the *curia*. The letters Pascal II sent to Henry I and the English bishops by his legate Anselm of St Saba, in 1115, after Ralph d'Escures' translation from Rochester to Canterbury, are good examples of this.[1]

From what has been said it might seem as if, of the two rulers, the emperor in his dealings with the papacy gained on the whole more from the alliance than did Henry I. Yet it can be shown that Henry V made common cause with his father-in-law when the latter encountered difficulties at Rome and helped him to defend his interests. The evidence comes from some perhaps neglected passages in Hugh the Chanter's *History of the Four Archbishops of York* and from the *Historia Regum* of Simeon of Durham. On 2 February 1123, Henry I assembled the ecclesiastical magnates of his kingdom and also his earls and barons at Gloucester to fill the vacant see of Canterbury.[2] The Christ Church community, represented by their prior and some of the

[1] Jaffé and Loewenfeld, *Regesta Pontificum Romanorum*, nos. 6450 and 6453; the texts are in Eadmer, *Historia Novorum*, pp. 228 and 232.

[2] *Anglo-Saxon Chronicle E*, ed. Plummer, *Two of the Saxon Chronicles Parallel*, i, p. 251; Hugh the Chanter, *op. cit.*, *Historians of the Church of York*, ii, pp. 198 ff.; Simeon of Durham, *Historia Regum*, ed. T. Arnold, *Symeonis monachi opera omnia* (R.S., 1882–85), ii, pp. 268 ff.; *The Chronicle of John of Worcester*, p. 17.

more highly placed members of the chapter, seem to have put forward one or two names of their own order whom they wished to offer to the king and his court for election. But this time, the bishops were determined to have a clerk rather than a monk as their primate, and the king decided in their favour. After two days of dispute, the Canterbury interest had to yield, but to soften this blow against a self-conscious tradition of monastic archbishops, the choice fell upon a regular clerk, the prior of St Osyth's, William of Corbeil.[1] Reluctantly accepted by the monks, he was consecrated by his suffragans on 16 February, Thurstan of York having been excluded from this office.[2] The quarrel over his profession to Canterbury remained very much alive.

These details are essential if one is to understand what occurred when William presented himself at Rome to sue for his pallium in May, accompanied by Bishop Bernard of St David's, Anselm, the former papal legate now abbot of Bury, and Seffrid abbot of Glastonbury, to name only the most notable of his following.[3] Bernard of St David's, an experienced man of affairs, acting as William's prolocutor, saluted Pope Calixtus II and handed over a number of letters on behalf of the new archbishop. But when his election came to be considered by the cardinals and the curia, it met with serious opposition on four grounds: In the first place, William had been chosen at court, a place for judgments of blood rather than for the creation of bishops. The Durham writer indulged in an atrocious pun here: 'in curia quae a cruore dicitur'.[4] Secondly, William had not only been elected at the wrong place, but also by the wrong people, that is the bishops and not the

[1] That this was one of the reasons for William's election is clear from William of Malmesbury, *Gesta Pontificum Anglorum*, ed. N. E. S. A. Hamilton (R.S., 1870), p. 146, n. 4.

[2] John of Worcester, *op. cit.*, *loc. cit.*; Hugh the Chanter, *op. cit.*, pp. 199 ff.

[3] *Anglo-Saxon Chronicle E*, p. 252; Hugh the Chanter, *op. cit.*, p. 201; John of Worcester, *op. cit.*, *loc. cit.* William and his companions must have reached Rome early in May. The papal privilege confirming his election and announcing the grant of the pallium is dated 21 May (Jaffé and Loewenfeld, *Regesta Pontificum Romanorum*, no. 7136). We know that he was shaken over the pit and kept waiting for at least a fortnight (Hugh the Chanter, *op. cit.*, p. 202). A papal privilege for Seffrid (Jaffé and Loewenfeld, *op. cit.*, no. 7071) is dated 15 May, another for Bernard of St David's (*Ibid.*, no 7073), 25 May.

[4] Simeon of Durham, *Historia Regum*, p. 272.

monks of Canterbury. Thirdly, the archbishop of York who should have consecrated him by age-old prescription had not been allowed to do so. Lastly, William was not a monk.[1] According to Hugh the Chanter, the case took several days to settle, but in the end it was decided that William should not have the pallium, but for kindness's sake, as no-one alleged anything against his person, he might receive a bishopric instead. Calixtus II, on the other hand, seems to have been willing from the start to take a more lenient view and to accept the Gloucester election.[2]

Here it can be seen how precarious Henry I's customs really were and how little the king could rely on acquiescence with his practice when this clashed with the principles, the policies and the pronouncements of so many synods and popes. The irony of the situation was that Henry had taken every precaution to make sure that William's promotion should have a smooth passage. Archbishop Thurstan of York had been detained in England when he wanted to go to Rome to attend the Lateran Council summoned for 18 March. He was to travel with William and had to promise not to intrigue against him at the *curia*. We owe the details of these transactions to Hugh the Chanter's vivid narrative and at least once the author can be detected including himself in the archbishop of York's party, so that he must be regarded as an eye-witness.[3]

What has hardly been noticed and certainly attracted no special comment from historians is that amongst the greetings and letters presented by Bernard of St David's on behalf of William, there were also those of the emperor and they, as befitted his rank, came first.[4] According to the Durham writer, in fact, Henry V had his own envoys there to intercede for the archbishop of Canterbury.[5] Whether these were the men whom the emperor had sent to the Lateran Council or a new mission it is hard to

[1] *Ibid.*; Hugh the Chanter, *op. cit.*, p. 202.

[2] Hugh the Chanter, *op. cit.*, *loc. cit.*: 'papa quidem volente'.

[3] *Ibid.*, p. 206, l. 1: 'nobiscum'.

[4] *Ibid.*, p. 201: 'praemissa salutatione domino papae ab imperatore, a rege, ab episcopis Angliae, a capitulo Cantuariae, missas a singulis litteras seorsum obtulit'. It is mentioned in M. Dueball, *Der Suprematstreit zwischen den Erzdiözesen Canterbury und York, 1070–1126* (*Historische Studien*, clxxxiv, 1929), p. 95. The emperor's intervention was noted by T. F. Tout in his article 'Corbeil, William of', *Dictionary of National Biography*.

[5] Simeon of Durham, *Historia Regum*, p. 272.

say. Simeon, who is allowed to be the author of this part of the *Historia Regum*, dealt with the story less fully than Hugh, but his account differs in several important respects from the York writer's and seems to rest on an independent and therefore valuable source. Whichever way the emperor's letter reached Rome, one would give much to possess its text, and fortunately the *History of the Four Archbishops* does not altogether disappoint here. Calixtus II was evidently anxious to honour the formidable joint petition from Henry V and the Anglo-Norman king, and Hugh the Chanter has described how he set to work persuading his cardinals to change their minds 'for the love of the emperor who had but recently been reconciled to the Roman Church'.[1] Now this reconciliation was none other than the exchange of letters known as the Concordat of Worms of 23 September 1122. What Calixtus II said to the *curia* so that the archbishop of Canterbury's election should stand must therefore be connected with the contents of these famous documents, and if one compares Calixtus's privilege for Henry V with the details of William's election, it is easy to see how relevant the Concordat was to his case. The *Calixtinum* granted to Henry V that elections of bishops and abbots in Germany could be held in his presence.[2] William of Corbeil had been chosen at a great council assembled round the king. It provided further that, if disputes arose, the Salian emperor should give his assent and support to the '*sanior pars*' by the advice and judgment of the metropolitan and the bishops of the province.[3] This too Henry I could be argued to have done in William's case. It is true that the English bishops were themselves one of the contending parties, but when were bishops not? Thus under the terms of his own grant Calixtus II could not easily turn down this particular election and one can see why the Anglo-Norman king enlisted the aid of his son-in-law. The terms of the privileges exchanged between the emperor and the pope were no secret and if the English king was one of the first to hear of the Treaty of Ponte Mammolo in 1111, he cannot have been left in the dark about the agreements made at Worms in September 1122.

According to Simeon of Durham, the *curia's* decision against

[1] Hugh the Chanter, *op. cit.*, p. 202: 'pro amore imperatoris qui nuper ecclesiae Romanae reconciliatus erat'.

[2] *M.G.H.*, *Const.*, i, p. 161, no. 108. [3] *Ibid.*

the Canterbury election was reversed out of respect for the emperor and the king.[1] According to Hugh the Chanter, Archbishop Thurstan did as much as anyone to secure the pallium for William when he might well have stood in his way.[2] It is not necessary to discredit the statement of so disarming a writer as the York historian. Without him next to nothing would be known about the joint representations of Henry V and Henry I. He was certainly at all times anxious to show up Thurstan's good faith and here also William of Corbeil's ungrateful return to the attack in the matter of the profession, but it cannot be said that he succeeded in distorting this incident or even tried to.[3]

Henry I's alliance with the emperor and the Worms Concordat thus made some impression on the uneasy compromises by which the English Church was governed during this period. The Canterbury election of 1123 was really one of the earliest cases to which Pope Calixtus's concessions to Henry V were in a certain measure applied.[4] The two rulers whose relations with Rome differed so markedly from those of the Capetians made common cause. This was one of the chief interests of their alliance and a reason for it which, like Henry I's wish to enhance the dignity of his crown by Mathilda's marriage, has perhaps not been recognized enough.

[1] *Historia Regum*, *loc. cit.*: 'tandem gratia imperatoris praefati et Henrici regis Anglorum'.

[2] Hugh the Chanter, *op. cit.*, p. 203: 's vero ei nocere voluisset, hac vice omnino non habuisset', *i.e.* the pallium.

[3] Hugh then described the last, uncompromising, attempt of the Canterbury interest to fight its claim against York at the *curia*; see R. W. Southern, 'The Canterbury Forgeries', *Eng. Hist. Rev.*, lxxiii (1958), pp. 223 ff.

[4] The investiture of an abbot of Fulda with his *regalia* in November 1122 was the earliest (Ekkehard, *Chronicon*, p. 260).

THE ORIGINS AND EARLY HISTORY OF THE KEEPER OF THE PEACE

The Alexander Prize Essay

By Alan Harding, B.Litt.

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THE office of the justice of the peace developed during the fourteenth century from that of the keeper of the peace who held inquests and received presentments, and the process has been traced in great detail by Professor Putnam.[1] In 1925, Professor Cam assigned some records of a keeper's[2] inquests to 1277 and so carried the beginnings of the earlier office well back into the thirteenth century.[3] *Custodes pacis* of a still earlier period Professor Cam dismissed as 'extraordinary' keepers, 'whose existence is explained by the special conditions arising out of the struggle between the king and the baronial party'. But these earlier keepers are not confined to the period of civil war; a survey of them is necessary to the history of the justice of the peace,[4] and it is this which the present paper attempts to provide. Lambard's description of these early keepers is useful as a starting-point:

> The Sheriffs I call ordinary Conservators of the Peace, because their authority was then ordinary, always one, and the same well enough knowen: But the extraordinary Conservator, as he was endowed with an higher power, so was he not

[1] Bertha H. Putnam, *Proceedings before the Justices of the Peace* (London, 1938); see the bibliography given there of Professor Putnam's other works.

[2] 'Keeper' in this paper refers only to the *custos pacis*, 'warden' to other types of keeper (*e.g.* of marches or coast).

[3] *Eng. Hist. Rev.*, xl (1925), pp. 411–19.

[4] For information on the baronial keepers, see R. F. Treharne, *The Baronial Plan of Reform, 1258–63* (Manchester, 1932), pp. 316–18, 330, 335–36; C. A. Beard's *The Office of Justice of the Peace in England, and its Origin and Development* (New York, 1904), and Helen M. Cam's *The Hundred and the Hundred Rolls* (London, 1930) are useful for the whole century.

> ordinarily appointed, but in times of great trouble only, much like as the Lieutenants of shires are now in our days. And he had charge to defend the coasts and country, both from foreign and inward enemies, and might command the sheriff and all the shire to aid and assist him.[1]

The earliest keepers supplemented the sheriffs in the policing of the countryside, especially in times of crisis and during the threat of invasion; and these 'great troubles' were frequent enough to make the keeper an increasingly permanent official.

The need for such a permanent official is not difficult to illustrate. The machinery for the arrest of the criminal was far less efficient than that for the presentment of crime. At the Shropshire eyre of 1256,[2] for instance, one hundred and eighty cases of homicide were presented, but only nineteen felons were executed. In one hundred and sixty cases, townships were amerced for failure to arrest or pursue malefactors. Crime after crime was presented as committed by *malefactores ignoti*. The system was incapable of dealing with the hardened criminal who wandered from shire to shire. The sheriff was overworked in serving writs, attaching parties and empanelling juries in civil suits; and the *placita forinseca* membranes of the eyre rolls contain dozens of cases which follow the justices from county to county because the sheriff has failed to produce parties and juries and often has not served the writs.

In the northern and western counties, there were serjeants of the peace with special powers of policing.[3] But the efforts of these and of the other local officers were arbitrary and unpopular. The sheriff, holding his office at an excessive farm,[4] used arrest as a means of extortion. That abuse of powers of imprisonment was becoming extensive is shown by the increase of actions of *quare imprisonavit*[5] and of presentments of false imprisonment under the articles of the eyre; a new article dealing with this abuse was introduced in 1254. But legal remedies soon made it hazardous

[1] W. Lambard, *Eirenarcha* (London, 1610), pp. 16–18.

[2] P[ublic] R[ecord] O[ffice], J. I. 1/734.

[3] R. Stewart-Brown, *The Serjeants of the Peace in Medieval England and Wales* (Manchester, 1936).

[4] Ch. 16 of the petition of the barons (1258) states the connexion between high farms and extortion.

[5] *Infra*, p. 105, n. 4

for the local official to arrest, even on reasonable suspicion.[1] Only the king could safely order arrest without indictment, and his direct intervention was constantly needed. There was also a need for new officers at shire level to carry out the king's orders.

Men had been imprisoned by the arbitrary command of Henry II, and were released by his widow.[2] An edict of 1195, however, which Stubbs regarded as the germ of the office of justice of the peace,[3] tried to bolster up the customary methods of hue and cry and popular arrest by assigning knights to swear the people to the maintenance of the peace. It was not very effective: Hoveden tells us that 'multi inde premuniti et sibi male conscii fugerunt, relictis domibus et possessionibus suis'.[4] Like the working of the system of presentment as a whole, this edict resulted chiefly in an increase in the number of outlaws roaming the countryside. Ten years later, more stringent methods superseded it.

During the threat of invasion after the loss of Normandy, instructions were issued for the appointment in each shire of a *capitalis constabularius*, who should in turn appoint constables in hundreds, townships and neighbourhoods. All were to obey the head constable of the shire in matters pertaining 'ad defensionem regni et pacis conservacionem contra alienigenas, vel contra quoscunque alios pacis perturbatores'.[5] The county constable of 1205 was the first official set beside the sheriff at county level to keep the peace by force rather than by the mere supervision of the customary system.

But the office was shortlived; it was to the sheriff that was given the execution of such measures of watch and ward as that of 1242,[6] power to retain serjeants to enforce the peace,[7] and

[1] F. Pollock and F. W. Maitland, *History of English Law before Edward I*, 2nd ed. (Cambridge, 1898), ii, p. 583.

[2] F. M. Powicke, 'Per Iudicium Parium vel per Legem Terrae', *Magna Carta Commemoration Essays* (Royal Hist. Soc., 1917), pp. 114–15.

[3] *Select Charters*, 9th ed. (Oxford, 1913), p. 257.

[4] *Chronica Magistri Rogeri de Houedene*, ed. W. Stubbs (R[olls] S[eries], 1868–71), iii, pp. 299–300.

[5] Gervase of Canterbury, *Historical Works*, ed. W. Stubbs (R.S., 1879–80), ii, pp. 96–97.

[6] W. Stubbs, *Select Charters*, p. 362; *cf.* H. M. Cam, *op. cit.*, p. 190, for the sheriff's rôle in a similar measure of 1253.

[7] In 1241, the sheriffs of twenty counties were each instructed to see to the election of four to eight serjeants (Stewart-Brown, *op. cit.*, p. 137).

control of large-scale policing operations like those against Fawkes de Breauté.[1] But the under-constables in the hundreds and townships retained their importance. They were sometimes termed *custodes pacis* and they had power to receive indictments; so their course runs parallel to that of the county keeper.[2] This emphasizes the fact that the latter was in origin a constable at shire level.

The development of the shire keeper was resumed, not by general edicts like those of 1195 and 1205, but in *ad hoc* commissions for the keeping of the peace in particular areas. As Maitland wrote: 'New needs are being ever and anon met by new devices.'[3] Since the wardens of the maritime parts, the Cinque Ports and the marches grew, in the thirteenth century, largely from this same concern for the peace of particular areas, they must be included in any coherent picture of the development of the keeper. Lambarde described the extraordinary keeper as being charged 'to defend the coasts' as well as 'the country'.

The Assize of Arms of 1187, to which the Statute of Winchester and the functions of the justices of the peace were to owe much, included in its last clause a ban upon the export of ships and timber. John made the enforcement of this ban a considerable part of the duties of his general 'wardens of ports and galleys',[4] but he had also included the *custodia tocius marine ejus comitatus* in a grant of the shrievalty of Lincolnshire,[5] and made the constable of Pevensey responsible for the neighbouring shore;[6] and Henry III usually committed the guarding of the coast by counties, sometimes to the sheriffs,[7] sometimes to the castellans

[1] Cam, *op. cit.*, p. 190.

[2] For these lesser *custodes pacis*, see *ibid.*, p. 193, and Putnam, *op. cit.*, p. xxxvii; the evidence comes mostly from the gaol delivery rolls, where a prisoner is sometimes said to be *captus* or *indictatus per custodem pacis hundredi de . . .*

[3] Pollock and Maitland, *op. cit.*, i, p. 200.

[4] See, for instance, *Rot. Litt. Pat.* (Rec. Comm. ed.), i, p. 62; for details on the keeping of the coast and sea, see N. H. Nicolas, *History of the Royal Navy* (London, 1847).

[5] *Rot. Litt. Pat.*, i, p. 109. [6] *Ibid.*, p. 156.

[7] *P*[*atent*] *R*[*olls*], *1216–25*, p. 468: Dorset, 1224 (Gernun is both sheriff of Dorset and constable of Corfe); *P.R.*, *1225–32*, p. 183: Norfolk and Suffolk, 1228. The wardens of the shore of Devon and Cornwall, and of Norfolk and Suffolk in 1224 (*P.R.*, *1216–25*, pp. 468–69 and 492) seem to have been neither sheriffs nor castellans.

of coastal castles. By custom, the ports of Essex came under the authority of the constable of Colchester,[1] and the wardenship of the Cinque Ports grew up around the castle of Dover, with Hastings as an early but temporary rival.[2] The sheriff of Devon was ordered, along with special commissioners, to keep the coast and the peace against the pirates of Lundy,[3] and soon a succession of wardens was appointed for the island itself. The wardenship of the Cinque Ports was sometimes merged in a wider guarding of the south coast.[4] In 1242, the sheriffs of all the south-eastern counties were required to aid the constable of Dover in 'the keeping of peace and defence of the realm'.[5] The appointment, in 1225, of commissioners to guard the ports and *marinam* of Northumberland is of interest for the development of the wardenship of the marches, which was clearly analogous to the *custodia parcium maritimarum*.[6]

Indeed, land marches were already, though infrequently, treated like the coast. In 1213, John Marshal was appointed *ad marchiam nostram Wallie custodiendam* in the parts of Montgomery.[7] There seems to be no other commission of this sort on the patent roll until 1257, when Peter de Montfort was made sheriff of Shropshire and told to use the shire revenues to keep the Welsh march.[8] In 1262, Alan la Zuche was sent to the march 'for the preservation of the peace and the defence of those parts'.[9]

Methods evolved for the defence of coasts and marches could be applied with profit to inland counties. Constables of castles[10] and sheriffs[11] were occasionally given orders and aid *ad pacem*

[1] *P.R.*, *1225–32*, p. 241 (1229).

[2] K. M. Murray, *The Constitutional History of the Cinque Ports* (Manchester, 1935), pp. 79 ff.; *cf. P.R.*, *1225–32*, pp. 22, 180 and 258.

[3] *C[alendar of] P[atent] R[olls]*, *1232–47*, pp. 33 (1233), 268 (1241) and 292 (1242). Although, in this and subsequent notes, the only references given are to the published *Calendars*, the manuscript rolls have been consulted.

[4] *P.R.*, *1216–25*, pp. 465–66 (1224); *C.P.R.*, *1232–47*, pp. 92 (1235) and 300 (1242).

[5] *Ibid.*, p. 287. [6] *P.R.*, *1216–25*, p. 522; *infra*, p. 102.

[7] *Rot. Litt. Pat.*, i, p. 109.

[8] *C.P.R.*, *1247–58*, p. 580.

[9] *C.P.R.*, *1258–66*, p 238; notice that the 'preservation of the peace and tranquillity' of Strettondale received special attention (*ibid.*, p. 64, and *C.P.R.*, *1232–47*, p. 18).

[10] *P.R.*, *1216–25*, p. 457; *C.P.R.*, *1232–47*, p. 19; *cf.* p. 165.

[11] *C.P.R.*, *1232–47*, p. 28.

domini regis conservandam. More often, the sheriff was to assist special commissioners sent to his county *propter pacem et tranquillitatem terre*,[1] *ad conservacionem pacis et tranquillitatis*,[2] or *ad pacem et tranquillitatem parcium illarum conservandam*.[3] The winter of 1233–34, that of the Marshal's rebellion, is a landmark in the development of this sort of commission.[4] This often contains instructions to pursue certain malefactors from county to county,[5] a task clearly beyond the powers of any individual sheriff. Such a function had been assigned before, though without mention of 'the peace'; in 1221, four magnates were sent to hunt Richard Siward from shire to shire, raising the hue and cry,[6] and John de Thorentun was appointed during pleasure, and with the help of eight serjeants, 'ad persequendum et capiendum predones et malefactores itinerantes per comitatum Eboraci'.[7] But others of these commissions have a more obviously local application;[8] and, where these were not in the hands of the sheriff, the royal castellanies were centres of authority upon which a new local office of the peace might rest. The commissioners, however, were as yet the immediate servants of the king, such as his steward, or men who had been or were to be seneschals of Gascony, rather than local figures.[9] A special problem was the peace of the boroughs, which were early in developing new peace-keeping institutions.[10] In 1236, Oxford was visited by commissioners sent to ensure its 'peace and tranquillity', but two years later, responsibility rested on twenty-four burgesses sworn *ad pacem conservandam*.[11]

By 1263, when Prince Edmund was sent to the parts of Sandwich *pro conservacione pacis nostre et tranquillitatis*, the repetition of emergency measures had produced a very formal commission.

[1] *C.P.R.*, *1232–47*, pp. 21, 26–27 and 31. [2] *Ibid.*, p. 28.

[3] *Ibid.*, pp. 182, 184, 186 (all concerning Chester, 1237); *cf.* commissions with almost the same terms for Wiltshire (*ibid.*, p. 228: 1238) and Devon (*ibid.*, p. 298: 1242).

[4] *Ibid.*, pp. 21, 26–28, 31; the commission to the sheriff mentioned, p. 89, n. 11, is from the same months.

[5] *Ibid.*, pp. 21 and 26. [6] *P.R.*, *1216–25*, p. 282.

[7] *Ibid.*, pp. 282 and 293.

[8] *C.P.R.*, *1232–47*, pp. 28 and 31; see also the commissions listed *supra*, n. 3.

[9] For the steward, see *C.P.R.*, *1232–47*, pp. 26 and 165; for Henry de Trubleville and Nicholas de Molis, at various times seneschals of Gascony, see *ibid.*, pp. 21, 164–65.

[10] *Infra*, p. 106. [11] *C.P.R.*, *1232–47*, pp. 139 and 217.

There is no indication in Prince Edmund's appointment of the special circumstances under which he was appointed, and the impression of formality is increased by the presence of the commission on the dorse of the patent roll amongst routine judicial commissions.[1] The final struggle between the king and the barons was to carry the establishment of the new office much further, for the local partisans of each side were given a semblance of normal authority under the title of *custodes pacis*. The barons were the main innovators, because they had particular need to counter the power of the sheriffs and to secure the control of the royal castles which had been restored to the sheriffs in 1261. The attempt of the barons to manage the appointment of the sheriffs, successful in 1258, had been defeated in 1261–62.[2]

A little before he appointed Prince Edmund, the king commissioned two *capitanei* to put down rebels who were disturbing the peace and plundering churchmen: one to defend the counties beyond Trent, the other Kent and Sussex.[3] In the following month (July 1263), the baronial party gained the upper hand and appointed a *custos pacis* for each shire.[4] The title of *custos pacis* had at last been evolved from the repeated commissions *ad pacem conservandam*: the new officers were to have a certain permanence, and some such name was needed to differentiate their functions from those of the sheriffs, who were in chancery terminology the *custodes* of their shires. Apart from a partisan interference with the property of the barons' opponents, which they restored only when the owners swore to observe the Provisions,[5] the keepers' primary concern was the day-to-day policing of their shires. They restored plundered goods[6] and protected the property of the church.[7] They proclaimed the coming of commissioners to hear

[1] *C.P.R.*, *1258–66*, p. 287; Edmund's chief task was to expedite the escape overseas of unpopular ministers and relations of the king (Treharne, *op. cit.*, p. 305).

[2] F. M. Powicke, *The Thirteenth Century* (Oxford, 1953), pp. 164–67.

[3] *C.P.R.*, *1258–66*, pp. 263–64.

[4] *Ibid.*, p. 271; the names of six of the baronial keepers of 1263 can be found in the chancery rolls: see *C.P.R.*, *1258–66*, p. 271; *C*[*lose*] *R*[*olls*], *1261–64*, pp. 242, 250 and 309; J. Hunter, *Rotuli Selecti* (Rec. Comm., 1834), pp. 153, 166.

[5] See, for instance, *C.P.R.*, *1258–66*, p. 283, and *C.R.*, *1261–64*, pp. 243 ff.

[6] See their commission.

[7] *C.P.R.*, *1258–66*, p. 273.

and determine complaints against the peace and the Provisions, took security for prosecution, attached accused persons and empanelled juries.[1] William Marshal, keeper in Northamptonshire, appointed local constables and led the shire levies.[2] Encroachments by the keepers beyond the policing sphere and upon sheriffs' fiscal duties were forbidden by the king.[3]

In December 1263, as he left England for Amiens, Henry appointed *custodes* of his own in many shires: they do not seem to have been officially termed *custodes pacis*, though they were probably known as such locally, and their commission was headed *De Custodia Pacis* in the patent roll.[4] The baronial system of one keeper to each shire, with a defined 'bailiwick',[5] was replaced by a more blatantly military arrangement. Southern counties each had one or two keepers, but in the north formidable bands of *custodes* were attached to groups of counties: eleven keepers, with Balliols, Bruces, Nevilles and Percies prominent, were assigned jointly to the five most northern shires. The new keepers included several contemporary sheriffs.[6]

After the battle of Lewes, the barons reappointed a single *custos pacis* in each county,[7] and instructed him to prevent the carrying of arms, to arrest marauders and to see to the election of knights for the coming parliament. The keepers outweighed the sheriffs in military and policing matters and led the defence against the growing power of the king's party;[8] they were given control of castles as a matter of course,[9] and adjacent keepers

[1] *C.P.R.*, *1258–66*, p. 288, and *C.R.*, *1261–64*, p. 247.

[2] Hunter, *Rotuli Selecti*, pp. 153–57, 166 and 194.

[3] He stopped the sending of writs of *venire facias* to the keepers, summoning them to account for shire revenues (*cf.* Treharne, *op. cit.*, pp. 316–18).

[4] *C.P.R.*, *1258–66*, p. 357 (*cf. Abbreviatio Placitorum* (Rec. Comm., 1811), p. 265, and *infra*, p. 94). For supplementary appointments, see *ibid.*, pp. 314–15.

[5] For a reference to the 'bailiwicks' of the baronial keepers, see *ibid.*, p. 283.

[6] Of those named in the commission, FitzPeter, Clifford, Lestrange, Nevill, Gesemuth, Montalt and Eustace de Balliol were sheriffs.

[7] *C.P.R.*, *1258–66*, p. 360; to complete a list of the baronial keepers of 1264–65, see *ibid.*, pp. 327, 331, 430, 434 and 487.

[8] See the instructions to the keepers in the growing emergency: *ibid.*, pp. 424, 426, 434, 475 and 487; *C.R.*, *1261–64*, p. 402.

[9] Norwich Castle was given to John de Burgh 'because he is keeper of the peace' (*C.P.R.*, *1258–66*, p. 322).

were instructed to combine their levies where necessary.[1] They were Simon de Montfort's 'commissars';[2] yet they were prohibited from interfering with the sheriffs' administrative functions,[3] and defence of the coast was their biggest task. In 1258, Bigod (now, in 1264, baronial *custos* there) had been appointed to keep the shore of Norfolk and Suffolk.[4] As soon as the barons won the initiative in 1263, they made arrangements with Hastings and the Cinque ports 'for the keeping of the sea'.[5] After the battle of Lewes, two 'captains and wardens' of the maritime parts were appointed to munition ships for defence.[6] The *custodes pacis* in Devon and Somerset were specially urged to keep the peace on the coast of their counties, and the constable of Porchester to keep the peace at Southampton and Portsmouth and repress marauders by land and sea.[7] Levies from Norfolk, Suffolk, Cambridgeshire and Huntingdonshire were assembled at Orwell, and from Wiltshire at Portsmouth, and came under the command of keepers.[8] The baronial *custodes pacis* in the northern border counties should perhaps be regarded as the first wardens of the Scottish march.[9]

The keeper had proved his usefulness and was employed widely by the king in restoring order after the battle of Evesham. In 1265–67, keepers were assigned to twenty-two shires at one time or another.[10] Some are expressly called *custodes*

[1] See their commission.

[2] F. M. Powicke, *King Henry III and the Lord Edward* (Oxford, 1947), ii, p. 446.

[3] See the commission to John de Plessetis (*C.P.R.*, *1258–66*, p. 405): 'Nolumus autem quod pretextu hujus mandati nostri de aliquibus que ad officium vicecomitis pertinent vos intromittatis . . .'; *cf. ibid.*, p. 331.

[4] *C.P.R.*, *1247–58*, p. 649.

[5] *C.P.R.*, *1258–66*, p. 272.

[6] *Ibid.*, pp. 349 and 351.

[7] *Ibid.*, pp. 420 and 481.

[8] *Ibid.*, pp. 360–61, and 368; *infra*, p. 97.

[9] During a vacancy in the shrievality, the baronial keeper held sole authority for a time in Cumberland (*C.P.R.*, *1258–66*, p. 328).

[10] Westmorland (*ibid.*, p. 489), Yorkshire (*ibid.*, p. 656), Lincolnshire (*ibid.*, p. 604), Nottinghamshire and Derbyshire (*ibid.*, p. 553; *C.P.R.*, *1266–72*, p. 133), Huntingdonshire and Cambridgeshire (*C.P.R.*, *1258–66*, p. 671; *C.P.R.*, *1266–72*, p. 132), Norfolk and Suffolk (*C.R.*, *1264–68*, p. 236; *C.P.R.*, *1266–72*, p. 132), Essex and Hertfordshire (*C.P.R.*, *1258–66*, pp. 636, 655–56, 657–58, 668; *C.P.R.*, *1266–72*, p. 129; *C.R.*, *1264–68*, p. 297), Middlesex and Buckinghamshire (*C.P.R.*, *1258–66*, p. 652), Warwickshire (*ibid.*, pp. 652, 654), Oxfordshire (*ibid.*, p. 652; *C.P.R.*, *1266–72*,

pacis;[1] others are simply the *custodes et defensores* of their shires;[2] others still are appointed, like their predecessors in the 1230's, *ad pacem conservandam*,[3] or *ad insollenciam malefactorum reprimendam* for the sake of 'peace and tranquillity'.[4] In some ways, they were unlike the baronial keepers. The latter were in part the embodiment of a principle of local administration by local men, a principle applied uniformly to all counties;[5] after Evesham, the king's keepers were appointed intermittently, in particular emergencies and most thickly in the neighbourhood of particular trouble-centres such as Ely and Kenilworth.[6]

The work of the great Roger de Leyburn was by far the most widespread and 'military' of that of the keepers of 1265–67, but it is well-documented and intrinsically interesting and will serve to indicate the nature of the keeper's functions at this time. Amongst the Exchequer Miscellanea in the Public Record Office there is a neat little bundle of thirteen writs sent to Roger between March 1264 and June 1267.[7] In March 1264, Roger was sent to fortify Rochester and to keep the peace (*ad pacem conservandam*) in the parts of Kent, Surrey and Sussex. In September of the following year, after the victory of Evesham, he was appointed warden of London and ordered to put down 'conspiracies' there. In November, he was sent to the Weald of Kent to bring it *amicabiliter* into the king's peace, and January 1266 saw him on the way to Sandwich to bring that borough back into the fold. The next month, he was fortifying Hastings; in May, he was in Essex to see that the peace was observed there. This must have been a greater task, for not till January 1267 was he given another—at least, by one of these writs. In that month he was

p. 131), Somerset, Dorset and Wiltshire (*C.P.R.*, *1258–66*, pp. 663–64), Hampshire (*C.P.R.*, *1266–72*, pp. 105, 128), Surrey and Sussex (*C.P.R.*, *1258–66*, p. 661; *C.P.R.*, *1266–72*, p. 128); for Kent, see *infra*, p. 95.

[1] *C.P.R.*, *1258–66*, pp. 489, 553, 604, 668; *C.P.R.*, *1266–72*, pp. 105, 132; *C.R.*, *1264–68*, pp. 211, 236.

[2] *C.P.R.*, *1258–66*, p. 661; *cf. ibid.*, p. 655.

[3] *C.P.R.*, *1266–72*, pp. 129, 133. [4] *C.P.R.*, *1258–66*, p. 652.

[5] Powicke, *King Henry III and the Lord Edward*, ii, pp. 445–46.

[6] For the appointments connected with Kenilworth, see *C.P.R.*, *1258–66*, pp. 652 and 654; with Ely, *ibid.*, pp. 652–53, and *C.P.R.*, *1266–72*, pp. 132–33, 168, 667.—Essex, which was ravaged by the rebels from Ely (*Chronicles of the Reigns of Edward I and Edward II*, ed. W. Stubbs, R.S., i, pp. 73–74), received no less than eight keepers.

[7] P.R.O., E. 163/1/41.

sent to help Prince Edward in the reduction of Winchelsea, but February saw him back in the Weald, again pursuing 'malefactors'; March, on the trail of John d'Eyvill who was raiding the countryside from his base in Ely. Finally came the crisis of the revolt of the disinherited and Gloucester's march on London. At the end of May, Leyburn was hotfoot across the Channel for assistance, but in June, he was back bringing supplies to Dover and Rochester and handing over prisoners taken at Winchelsea. These writs do not mention that Roger was also a *custos pacis* in Westmorland at the end of 1265.

If there were some contrasts between the king's keepers and their baronial predecessors, there was also some remarkable continuity. Two of the baronial keepers and the sons of two others served the king in the same capacity in 1265–67;[1] one of the sons was that Richard de Tany, who was again *custos pacis* in Essex in 1277 and whose inquests of the latter year Professor Cam has identified and printed.[2]

At the end of 1265, wardens of the sea-shore were appointed in Sussex and Devon;[3] and a *custos pacis* in Norfolk and Suffolk was also warden of the king's fleets there.[4] At about this time, Kent was assigned a warden of the shore *pro conservacione pacis nostre*.[5] Soon after Evesham, two *custodes pacis* were appointed in Westmorland,[6] and in 1271, two commissioners were associated with the sheriff in the keeping of Northumberland.[7] Towns,[8] liberties[9] and special areas such as the parts of Holland[10] were also

[1] Thomas de Muleton, *custos pacis* in Cumberland, 1264 (*C.P.R., 1258–66*, p. 360), 'captain and warden of the maritime parts', 1264 (*ibid.*, pp. 349 and 351), keeper in the parts of Holland, Dec. 1265 (*ibid.*, pp. 652–53); John de Burgh the elder, keeper in Norfolk, 1264 (*ibid.*, p. 360), Essex and Herts., 1266 (*ibid.*, p. 636); John de Burgh junior, in Essex and Herts., 1266 (*ibid.*, pp. 636 and 668); Richard de Tany the younger, in Essex and Herts., 1266 (*ibid.*, p. 655; his father was *custos pacis* in 1264 and was pardoned in 1267, *C.P.R., 1266–72*, p. 38).

[2] *Supra*, p. 85.

[3] *C.P.R., 1258–66*, p. 652.

[4] *C.P.R., 1266–72*, p. 130 (John de Vallibus).

[5] *C.R., 1264–68*, p. 168; *cf. C.P.R., 1266–72*, p. 265.

[6] *C.P.R., 1258–66*, p. 489.

[7] *C.P.R., 1266–72*, p. 607.

[8] *Ibid.*, p. 501 (Sandwich); p. 663 (Osbert Giffard appointed *capitaneus et custos pacis* and *defensor contra inimicos* in Oxford and its surroundings).

[9] *C.P.R., 1266–72*, p. 56: four knights are appointed wardens of the liberty of St Edmunds against disturbers of the peace, with the aid of the posse.

[10] *C.P.R., 1258–66*, pp. 652–53, and 604.

assigned keepers of the peace at this time. The bishop of Ely[1] and the countess of Albemarle[2] were ordered to keep the peace themselves within their geographically important domains—the Isles of Ely and Wight—or, rather, were allowed to do so after friction with royal officers appointed for the purpose.[3]

The appointment of both local magnates and contemporary sheriffs[4] as *custodes pacis* in areas where they already possessed authority is best explained by the assumption that extra power to employ the shire militia was thus conveyed. Such appointment was usually accompanied by a comprehensive 'writ of aid'. It is clear that, during these years of unrest, the keepers exercised wide military powers which give them great importance in the history of the raising of forces.

The commission of array and the indenture were soon to transform the system of military service. After 1285, arraying normally began with a view of arms as laid down by the provisions of the Statute of Winchester,[5] a statute which was enforced by the *custodes pacis*.[6] But the provisions of Winchester were an amalgam of much older measures (such as the edict of 1205), and the association of the keeper with the development of the shire militia was likewise older and more fundamental. A. H. Noyes regards the *capitaneus* as the 'forerunner of the later commissioner of array', and follows Stubbs in citing an example of this title from 1276.[7] On the patent roll alone, however, there are several earlier examples, all closely linked with the appointment of *custodes pacis*. In 1263, the king assigned 'captains' for the defence of certain counties against peace-breakers.[8] The barons replied with *custodes pacis* and with 'captains and wardens

[1] *C.P.R., 1266–72*, p. 667.

[2] *C.P.R., 1258–66*, p. 659; *C.P.R., 1266–72*, p. 601.

[3] For this rivalry in the Isle of Wight, see *ibid.*, pp. 67, 156, 165; for the appointment of royal keepers in Ely, see *ibid.*, pp. 168 and 230.

[4] The sheriffs of Nottinghamshire (*C.P.R., 1258–66*, p. 553) and Hampshire (*C.P.R., 1266–72*, p. 105) were made *custodes pacis*.

[5] R. W. Prince, 'The Army and Navy', *The English Government at Work, 1327–36*, i (ed. J. F. Willard and W. A. Morris, Cambridge, Mass., 1940), p. 357.

[6] *Infra*, p. 99.

[7] A. H. Noyes, *The Military Obligation in Mediaeval England* (Columbus, 1930), p. 23 and n. 7; W. Stubbs, *Constitutional History*, 5th ed., ii, p. 298.

[8] *C.P.R., 1258–66*, pp. 263–64.

of the maritime parts'.[1] Finally during 1265–67, the two terms are combined: some of the keepers are given the comprehensive title of *capitanei et custodes pacis*.[2]

The *capitaneus*, like the partisan keeper of the baronial struggle, was the commander of the forces from a defined area:[3] the *capitaneus* was the *custos* involved in large-scale military operations, the *custos* was the *capitaneus* engaged on everyday police duty. The general use of the old shire levy to defend the county in time of civil war led directly to the new system by which smaller paid bands were selected from the *posse* by arrayers; and there is some evidence that the change was fostered by the *custodes pacis*. William Marshal, baronial keeper of 1263–64, commanded the whole body of Northamptonshire's *jurati ad arma*,[4] but against a threat of invasion, in 1264, Montfort called out a proportion only of the *posse*: from four to eight men from each township provided by their community for forty days' service.[5] As it turned out, they were needed for a longer period, but were promised expenses and assured that the extra service should not be taken as a precedent.[6] Keepers both led the levies and helped to collect the tax necessary to support them.[7]

Old and new forms of service were employed side by side by the keepers who restored order in 1265–67. The feudal obligations of the bishop of Winchester and the earl of Arundel are reserved for the keeping of peace in Hampshire, Surrey and Sussex: 'cum toto servicio vestro nobis debito moram faciatis ibidem ad custodiendum et defendendum partes predictas'.[8] On the other hand, keepers in Essex and Hertfordshire are empowered to engage (*serviciandi* is the word used) any who will serve them

[1] *Ibid.*, pp. 349 and 351.

[2] *Ibid.*, pp. 663–64; *C.P.R.*, *1266–72*, p. 132.

[3] Thus, in 1276, Roger Mortimer was captain against the Welsh for Shropshire, Herefordshire and Staffordshire, William de Beauchamp for Cheshire and Lincolnshire (*C.P.R.*, *1272–81*, p. 171).

[4] H. M. Cam, *The Hundred and the Hundred Rolls*, p. 191.

[5] Rymer, *Foedera* (Rec. Comm. ed.), I. i, 437.

[6] *C.P.R.*, *1258–66*, p. 368; similar assurances had to be given to men of higher rank about their feudal service (*ibid.*, p. 340).

[7] *Ibid.*, pp. 360–61, and *C.R.*, *1261–64*, p. 402.

[8] The quotation is from the mandate to Arundel (*C.P.R.*, *1258–66*, p. 661); for the Winchester case, see *C.P.R.*, *1266–72*, p. 128.

in keeping the peace.[1] The *capitaneus et custos pacis* in Huntingdonshire is given discretion to levy from the county expenses for defence and for the maintenance of men in operations against Ely. The men themselves are to be raised from other shires; there is a suggestion that they are likely to be more trustworthy.[2] The allotment of considerable sums of money to other keepers suggests that they led paid troops raised by themselves.[3] Roger de Leyburn received lavish promises of expenses along with instructions to assemble a large *posse* in his writs of commission (which significantly enough found their way into the Exchequer Miscellanea), and the sum of over £1,100 actually allowed to him[4] included £7 for seven cross-bowmen employed for twenty days, £73 12s. for thirty-two knights for twenty-three days and £115 for two hundred archers for forty-three days.[5] In 1272, King Henry borrowed one hundred marks to pay Reginald de Grey, who had contracted to arrest a proto-Robin Hood in the forests of Nottinghamshire and Derbyshire, and the sum was to be levied from the counties concerned.[6] It is worth noticing that, in 1266, Reginald's father had been both sheriff and *custos pacis* of these shires; that same year, Reginald had succeeded to the offices of sheriff and constable of Nottingham, and had then commanded a force so large and well-armed that Morris felt it worthy of notice at the beginning of his great study of the new army of Edward I.[7]

Professor Cam's description of the system of 1265–67 as that described in Domesday Book 'by which those who did not serve paid the expenses of those who did' is, therefore, not quite complete.[8] The county captain and keeper of the peace had been

[1] *C.P.R., 1258–66*, pp. 657–58.

[2] *Ibid.*, p. 132; *cf. C.R., 1264–68*, p. 168: the warden of the sea-shore in Kent is to raise his expenses from levies *in hundredis et locis aliis*, and by the amercement of those who do not serve in person.

[3] *C.P.R., 1258–66*, p. 636; *C.P.R., 1266–72*, pp. 168 and 230 (in the latter case the sum is allotted from the issues of an eyre).

[4] See P.R.O., Exch. K.R., Memoranda Roll, E.159/42, mm. 15d and 16d.

[5] See the detailed account in P.R.O., Exch. K.R., Acc. Var., E.101/3/9.

[6] *C.P.R., 1266–72*, pp. 633–34; *cf.* Powicke, *Henry III and the Lord Edward*, ii, p. 530.

[7] W. A. Morris, *The Welsh Wars of Edward I* (Oxford, 1901), p. 33.

[8] Cam, *The Hundred and the Hundred Rolls*, p. 191.

interposed between the levy and the community which supported it. He chose his own troops where it seemed convenient and received authority from the king to assess their pay upon the community. Here, surely, we have the seeds of the new paid army of Edward I, raised by array and indenture.

Appointment as keeper conferred extra military powers, not yet an entirely separate office—for the sheriffs and their bailiffs were still primarily responsible for the peace, *ad custodiam pacis deputati*.[1] During the early years of Edward I, it was this 'special'[2] responsibility of the sheriff which was emphasized. But the absence of the king and the magnates in Wales in 1277 inspired an order for the election of *custodes pacis* in all counties, the first general appointment since 1264.[3] The chance survival of the inquests of one of these keepers is misleading if it suggests a great change in the character of their functions. The keepers were still commissioned for police-duties, the 'intercepting and arrest of malefactors'. They were to be temporary auxiliaries of the sheriffs during the king's absence, and the order for their election comes at the end of general instructions to the sheriff for the keeping of the peace, instructions reissued more than once in subsequent years without mention of *custodes pacis*.[4] When, in an isolated case of 1282, a county keeper is again assigned to help a sheriff, it is because the king is anxious *plus solito* for the tranquillity of his subjects. In 1282 also, Edmund of Cornwall was appointed general 'keeper of the peace' in the English counties with power to appoint deputies and to deal with improper assemblies beyond the sheriffs' control.[5]

In 1287, keepers were again appointed in all counties, and now their functions do show a clear change of emphasis,[6] for they were to enforce the provisions of the Statute of Winchester issued two years earlier. Their link with the militia was regularized, but they became mere inspectors, who recorded breaches of the regulations which kept men in readiness for war; they ceased themselves to

[1] *C.P.R., 1266–72*, p. 596.

[2] *C.P.R., 1272–81*, p. 10.

[3] *Ibid.*, p. 218; *cf.* p. 228, for a mandate to the elected keeper in Norfolk.

[4] *C.P.R., 1281–92*, p. 66, under the same heading *De malefactoribus intercipiendis et arrestandis*; also *ibid.*, p. 215.

[5] *Ibid.*, p. 30; *Calendar of Chancery Rolls, Various*, pp. 217–18; at the same time the bishop of Ely was told to keep the peace at Ely.

[6] *C.P.R., 1281–92*, pp. 264–66.

be military leaders. They remind us of the knights of 1195 appointed to supervise the old customary system of peace-keeping. The keepers are lesser men than their predecessors,[1] and two now share authority in each county, just as two justices share the normal judicial commission; indeed, the keepers of 1287 took over from the justices of assize their duties with respect to the Statute of Winchester. These are the first of the primarily judicial *custodes pacis*: thirteen of them were to serve again under the commission of 1300, by which they also determined pleas,[2] and seven survived till the commission of 1307.[3]

The division of functions between the *custos pacis* and the military captain which is evident in 1287 really began with the end of civil war and the departure of military operations to the marches and beyond; the keepers of 1277 were to be chosen from knights not accompanying the army to Wales. But on the marches and coast, the older type of keeper survived for a while, till his powers were merged in new offices such as the wardenship of the Scottish marches.

The Scottish and French wars of the twelve-nineties stimulated attention to the defence of the borders and coasts. In 1295, a general ordinance was issued for the defence of coastal areas by a militia[4] under the command of wardens appointed for the counties, and sometimes separately for hundreds and rapes, between Hampshire and the Wash.[5] Richard de Tany now appears as warden of the maritime parts of Essex; four years later, a *capitaneus et custos pacis* was assigned to this county, with special protection for his adherents.[6] While this was adequate to ensure that, as one commission put it, 'the inhabitants and strangers might carry on their business in peace',[7] a more centralized and truly maritime[8] system was needed for offensive action. The warden of the coast at Yarmouth extends his authority to Norfolk as a whole, and then to all 'the maritime parts towards the north'.[9]

[1] Few approach the local importance of Tany, one of the two known keepers of 1277 and himself one of the military *custodes* of 1265–67.

[2] *Infra*, p. 108.

[3] *C.P.R., 1307–1313*, p. 29.

[4] *C.P.R., 1292–1301*, pp. 169 and 187. For the organization of the militia, see Exch. K.R., Acc. Var., E.101/5/29.

[5] *C.P.R., 1292–1301*, pp. 152, 157, 169.

[6] *Ibid.*, p. 408.

[7] *Ibid.*, p. 308.

[8] *Cf. ibid.*, p. 291.

[9] *Ibid.*, pp. 149, 165, 245.

Eventually a system of two wardenships, one with authority from the Thames to Berwick, the other from the Thames westward, becomes the rule.[1] By this time admirals with similar bailiwicks have appeared. The history of the warden of maritime parts can be followed no further here, but it should be noticed that between 1338 and 1359, and intermittently thereafter, the commission of the *custos pacis* included appointment to array and lead forces in case of invasion, under the command of coastal wardens.[2] In 1404 a statute gave the justice of the peace the duty of enforcing watch upon the coast,[3] which had been added to the system of watch and ward set up in 1285.

On the Welsh march the captain and the *custos pacis* remained undifferentiated, for the subjugation of the Welsh was regarded as a matter of 'the king's peace'.[4] In 1295, a *custos pacis* was assigned for South Wales.[5] In 1297, the constable of Montgomery was deputed *ad ordinandum et providendum ut pax nostra observetur* in the English border counties.[6]

As for the North, in 1263, a 'captain' had been appointed for all the counties beyond Trent; in 1295, two wardens were appointed for the same area.[7] In the following year, *capitanei et custodes pacis* were assigned to Cumberland.[8] But the custody of the Scottish march was tending to fall into two divisions, an eastern and a western. So, in 1307, two *custodes pacis* were appointed for Cumberland, Westmorland and Lancashire and two for Northumberland, 'for the better preservation of those counties from incursions of the king's enemies and to punish rebels'; they were to take oaths of office.[9] In 1312, the earl of Angus and other powerful *custodes pacis* were appointed for Northumberland, the bishopric of Durham, the parts of Richmond and the 'moor of Blackhou'.[10] In 1314, a *custos pacis* was

[1] See, for instance, *C.P.R.*, *1313–17*, p. 516; some such division is apparent as early as 1264 (*C.P.R.*, *1258–66*, pp. 349 and 351).

[2] Putman, *op. cit.*, pp. xxviii and 150–51. By this time the ordinary commission of array had become the prerogative of professional soldiers (Prince, *op. cit.*, p. 357).

[3] Putnam, *op. cit.*, p. xxxi; the act does not seem to have been implemented.

[4] *Cf. Parliamentary Writs*, i, p. 222; *Calendar of Chancery Rolls, Various*, pp. 212 and 354.

[5] *C.P.R.*, *1292–1301*, p. 168.

[6] *Ibid.*, p. 301. [7] *Ibid.*, p. 152. [8] *Ibid.*, p. 185.

[9] *C.P.R.*, *1307–13*, pp. 3–4. [10] *Ibid.*, p. 428; *cf.* p. 415.

assigned to certain wapentakes in Yorkshire to raise mounted and foot soldiers and curb the raids of the Scots.[1] There is no clear distinction between these 'keepers' and the other 'captains of the custody of the march', 'captains for the defence' of march counties and 'wardens of the march of Scotland' appointed during these years.[2] Miss Reid realized how much the keeper of the peace contributed to the development of the warden of the marches.[3] But the contribution was made through the 'extraordinary' type of *custos pacis*, not through his better-known judicial successor; the latter was already appearing in the marches side by side with the older type. The *custodes pacis* appointed separately in each border county by the general commission of December 1307 are quite different people from the military keepers appointed in September 1307 and in 1312.

As we conclude this section of the argument, we should re-emphasize the analogies between the treatment of the land marches and of the coasts. The early history of the keeper and of the different types of warden must be treated as one.[4]

* * *

How did the early keepers of the peace, essentially local military leaders, acquire judicial duties? Professor Putnam has shown how the taking of inquests and presentments developed into the trying of those indicted. How did the keepers begin to take presentments, and in such numbers that they were soon forced to determine some of them?

First of all, we must insist that in the thirteenth century the knights of the shires were not generally granted judicial powers. The function of taking petty assizes assigned them by chapter eighteen of Magna Carta fell, towards the middle of the century,

[1] *Parliamentary Writs*, ii, p. 432.

[2] *C.P.R., 1292–1301*, pp. 312, 315, 387; *C.P.R., 1301–1307*, pp. 44 and 103.

[3] R. R. Reid, *The King's Council in the North* (London, 1921), pp. 22 ff.

[4] Note the similarities between 'wardens of the shore in maritime counties' and 'captains of the march of Scotland in Cumberland and Westmorland' (for the latter, see *C.P.R., 1292–1301*, p. 312; *cf. C.P.R., 1301–1307*, p. 44). *Cf.* K. M. Murray, *op. cit.*, p. 80. Wardens of the several types were often appointed together in emergencies (*C.P.R., 1324–27*, pp. 162 and 171). The keeping of the maritime parts of the border counties was often included in the commission of the warden of the Scottish marches.

into the hands of the justices of the Bench travelling in pairs in four circuits.[1] Maitland noted that 'the country knights had been accustomed to do high criminal justice' through commissions of gaol delivery,[2] but these, too, were confined to higher itinerant justices by statutes of 1299 and 1328.[3] Commissions of oyer and terminer concerning civil trespasses were also confined to the Bench justices by statute,[4] and those ordering inquest and determination of certain classes of crime developed into the commission of trailbaston held by circuits of itinerant justices, often of the King's Bench,[5] who were rivals of the keepers of the peace.[6] Only in the mid-fourteenth century, when the keepers were well-established in the judicial sphere, were the judicial commissions recorded in the patent rolls received by the local 'chevalers' in large numbers. Permanent judicial authority came to the local knight only as part of the work of the keeper of the peace.

Instructions to keep the peace implied the making of arrests, and this in turn a process of inquiry which was already familiar to the local knight through his work as coroner and juryman. Orders to arrest particular people sometimes included power to inquire as to their *receptatores*.[7] Local constables received indictments as a matter of course.[8] In 1236, the sheriff of Berkshire was to provide juries for those commissioned to preserve the peace in Windsor forest.[9] William Bardulf, sent to Devon in 1242 *ad pacem conservandam*, was to make inquiry touching those who had recently broken the peace.[10]

In the keepers of 1263–67 the business of holding inquests was

[1] See the commissions on the dorse of the Patent Roll (not printed in the *Calendars*); *cf.* Pollock and Maitland, *op. cit.*, i, pp. 200–201.

[2] *Ibid.*, p. 200.

[3] W. S. Holdsworth, *History of English Law*, 7th ed., i, p. 278.

[4] Second Statute of Westminster (1285), ch. 29; *cf.* J. F. Stephen, *A History of the Criminal Law of England* (London, 1883), i, pp. 107–110.

[5] See *Select Cases in the Court of King's Bench*, ed. G. O. Sayles, iv (Selden Soc., vol. lxxiv), pp. lv ff.

[6] B. H. Putnam, 'The Transformation of the Keepers of the Peace into the Justices of the Peace, 1327–1380', *Trans. Roy. Hist. Soc.*, 4th series, xii (1929), p. 47.

[7] *E.g.*, *P.R.*, *1216–25*, p. 293; *C.P.R.*, *1258–66*, pp. 663–64.

[8] *Supra*, p. 88.

[9] *C.P.R.*, *1232–47*, p. 165.

[10] *Ibid.*, p. 298.

firmly associated with the new office from which the justice of the peace was to grow. The baronial keepers of 1264 had instructions to arrest peace-breakers and keep them in custody; the names of any who escaped were to be sent to the king.[1] The king's keepers in Westmorland in 1265 were to send up the names of those whom they arrested.[2] In Hampshire, in 1267, inquiry by jury was to precede arrest by the keepers.[3] The keepers themselves sometimes completed the process by administering a rough justice to the accused, and this may explain the lack of records of indictments before them. The baronial keepers of 1263 were ordered to do swift justice upon plunderers and to restore stolen goods;[4] and the king's keepers after the battle of Evesham were on occasion given full power to punish captured rebels 'according to the custom of the realm of England' and 'as though the king were with them in person'.[5] Both baronial and royal keepers performed routine quasi-judicial duties, holding extents and inquests concerning civil cases,[6] and taking surety for the keeping of the peace. The barons, having revived the central justiciar, may not have been averse from restoring the comital justiciarships as well.

Military keepers were also necessarily granted disciplinary powers over their troops and emergency jurisdiction over those who resisted their instructions. Thus a *custos pacis* appointed in the north in 1314 was given, in addition to powers of array, 'plenariam potestatem puniendi omnes illos quos in hac parte invenerit contrarios aut rebelles juxta quantitatem contemptuum et transgressionum illarum'.[7] The forces of the 'keepers of the peace and captains' were, like all others who left home in the king's service, granted special protections, and the keepers, like the sheriffs in other cases, were sometimes given explicit powers to punish breaches of protection.[8]

The development of the legal category of trespass must, however, be considered the chief factor in the transformation of

[1] *C.P.R., 1258–66*, p. 360; *cf.* p. 475 (mandate to Devon keeper: see the manuscript enrolment).
[2] *Ibid.*, p. 489.
[3] *C.P.R., 1266–72*, p. 128; *cf. C.P.R., 1258–66*, pp. 663–64.
[4] *Ibid.*, p. 271.
[5] *C.P.R., 1266–72*, pp. 129 and 132.
[6] *C*[*alendar of*] *M*[*iscellaneous*] *I*[*nquisitions*], nos. 287, 326, 2114.
[7] *Parliamentary Writs*, ii, p. 432.
[8] *C.P.R., 1292–1301*, p. 408.

keeper into justice. The mass of indictments of trespass were the chief business of the fourteenth-century peace-proceedings:[1] what happened to the complaints they represent in the thirteenth century? The unending grievances of the country-side were already finding outlet in the simple and forceful phrases of trespass *contra pacem*, not in the expensive civil writ, but in the *querelae* which multiply in the proceedings of eyre, oyer and terminer and the frequent special inquiries into the abuses of officials. The obligation of the appropriate lord to listen to the informal complaints of villagers was officially recognized;[2] the allegation of trespass served principally to bring these complaints before the more effective royal justices.[3]

Complaint of trespass was particularly useful against the king's or magnates' ministers. The action of *quare imprisonavit*, with its obvious application to the arbitrary official, lay very near the source of the action of trespass to the person.[4] The baronial party naturally fostered these methods and ordained in 1258 that 'at every meeting of the shire court four knights were to attend to bear record of all complaints of injuries and trespasses' in readiness for the coming of justices.[5] The great eyres of Bigod and Despenser so encouraged the use of the action of trespass that it seemed to Maitland that it was now that the writ of trespass was made 'a writ of course'.[6] It is in 1261, probably as a consequence of instructions to the eyre justices of 1259 *ad audiendum omnes querelas de transgressionibus quibuscunque factis*,[7] and not after a similar order of 1278 as Professor Cam thought,[8] that *querelae de transgressionibus* are first found grouped together in a special section of the ordinary eyre roll.[9] At the same time, there were special inquiries by local commissioners into the trespasses of

[1] Putnam, *Proceedings before the Justices of the Peace*; see Professor T. F. T. Plucknett's commentary in this volume, pp. cliv ff.

[2] Powicke, *The Thirteenth Century*, p. 143.

[3] S. F. C. Milsom, 'Trespass from Henry III to Edward III, Part I: General Writs', *Law Quarterly Review*, lxxiv (1958), pp. 223–24.

[4] G. E. Woodbine, *Yale Law Journal*, xxxiv (1925), pp. 369 ff.

[5] Powicke, *op cit.*, pp. 143–44.

[6] F. W. Maitland, *Collected Papers* (Cambridge, 1911), ii, p. 154.

[7] See E. F. Jacob, *Studies in the Period of Baronial Reform and Rebellion* (Oxford, 1925), p. 70.

[8] *Studies in the Hundred Rolls* (Oxford, 1921), pp. 136–37.

[9] P.R.O., J.I. 1/343 (Huntingdon).

seigneurial bailiffs.[1] The settlement of the country after Evesham involved the speedy satisfaction, sometimes by special commissioners,[2] of complaints of injuries *in rebus et personis* committed widely *tempore turbacionis* and still continuing.

So the circumstances which established the *custos pacis* also brought masses of complaints of trespass before itinerant justices, special commissioners and local knights. The petty injuries which for decades had been settled in the seigneurial or old popular courts were being brought, as 'breaches of the peace', before any officer acting for the king who seemed likely to provide effective remedy; and who more likely than officials called 'keepers of the peace' and appointed to check the older oppressive royal officers? The local constables—also *custodes pacis*—received indictments without specific grant of authority. The keepers of 1263 were in some ways the successors of the knights of 1258 who recorded complaints; they, too, were ordered to receive complaints and make attachments in readiness for the arrival of justices—but also to do justice themselves upon complaint.[3] They occasionally received mandates to make inquiry into specific trespasses, as sheriffs normally did,[4] and this sometimes involved taking presentments from hundred-juries.[5]

We know that as early as 1262 the judicial duties of the later keeper had begun to attach themselves to existing offices in the city of London. When a London mob attacked the Jews, the mayor and sheriffs called juries from all the wards to present those responsible for the trespasses. There is nothing to show that the procedure was new even then, and by 1281, when we have records of the mayor's peace-keeping proceedings, malefactors were being tried and punished as well. The king confirmed these 'new methods', which had evidently been evolved on the initiative of the mayor and aldermen, who were henceforth the normal *custodes pacis* for the city.[6] It is not surprising, therefore,

[1] *C.P.R., 1258–66*, pp. 53 and 196; *cf.* p. 97: the magnates had at first been permitted to correct these abuses themselves.

[2] *C.R., 1264–68*, p. 128.

[3] *Supra*, p. 91.

[4] *C.M.I.*, no. 2114.

[5] Sometimes schedules containing such presentments were returned and survive attached to the eyre roll; see J.I. 1/237, m. 2d.

[6] A. H. Thomas, *Calendar of the Plea and Memoranda Rolls of the City of London, 1323–64* (Cambridge, 1926), pp. xiii ff.

that by 1277 the keepers of the peace in the counties were receiving presentments of trespass. There was nothing in the commission of that year to suggest that the keepers now acquired new functions. The preservation of Tany's records may be due simply to extra care at the time, inspired by the king's promise to call the keepers to account on his return.[1] In England, times were more peaceful, and presentments could be recorded and passed to more regular justices for trial.

It is possible that a similarly unplanned and accidental process linked the jurisdiction of the admiral with the activities of the wardens of the shore. Local maritime courts existed from an early date,[2] but it was under the wider power of the wardens that a more general maritime jurisdiction developed. The Cinque Ports had a court at Shepway for pleas other than pleas of the crown before the advent of the lord warden,[3] who was merely convener and president of the court when he did appear.[4] But trespasses which might once have been heard in local popular courts soon became distinctively royal matters; and trespasses at sea were sometimes heard by special commissioners.[5] In 1265, the warden of the Cinque Ports was commissioned to receive presentments of trespass in the court of Shepway and to do swift justice on the trespassers.[6] This was a natural consequence of the appointment of keepers to repress trespassers on land and sea.[7] During a long wardenship, Stephen de Pencestre received many judicial commissions, and in 1286 and 1291, he was instructed to hear the complaints of foreign merchants and make appropriate restitution.[8] Soon afterwards, the warden of the maritime parts of Norfolk and Suffolk was dealing with the complaints of a merchant of Holland.[9] On these two major wardenships—of the Cinque Ports and East Anglia—the early admiralties were based. The emergency and

[1] *C.P.R.*, *1272–81*, p. 218: 'et nos in reditu nostro . . . te . . . pro laboribus . . . curialiter respiciemus juxta quod viriliter et strenue vos habueritis in premissis'.

[2] Holdsworth, *op. cit.*, i, pp. 530–32.

[3] Murray, *op. cit.*, p. 70; *cf. P.R.*, *1225–32*, p. 22.

[4] Murray, *op. cit.*, p. 61.

[5] See *C.P.R.*, *1232–47*, p. 73; *cf.* Murray, *op. cit.*, p. 122, for an early case where the constable of Dover was the commissioner.

[6] *C.P.R.*, *1258–66*, p. 482.

[7] *Supra*, p. 93.

[8] *C.P.R.*, *1281–92*, pp. 255 and 423.

[9] *C.P.R.*, *1292–1301*, p. 165.

disciplinary powers necessary to the admirals as leaders of forces[1] contributed to the same development of jurisdiction, and once again, as we have seen, these powers were anticipated by the keepers. The keepers in Norfolk and Suffolk in 1267, one of whom was warden of the king's fleets there, were empowered to punish by penalty of life, limb or imprisonment any who molested their men, who were also bidden to behave lawfully.[2] Not till well on in the fourteenth century was the admiral confirmed in exclusive jurisdiction in any sphere,[3] but his eventual duties as justice owed something to the wardens' thirteenth-century policing activities.

Popular pressure as much as royal design made the keeper into a justice. The new mass of suits of trespass proved too much for the eyre, and the shires preferred new local justices to trailbaston commissioners sent from Westminster.[4] *Querelae*, it should be noted, had to be dealt with in the counties where they arose.[5] The effects of popular pressure are most apparent in 1300. In that year, for the first time since 1287, knights were assigned in each shire to execute the Statute of Winchester,[6] a function which Professor Putnam has taken as the distinctive function of the keeper and justice of the peace. Thirteen of the keepers of 1287 were included. But this time, the knights were also justices, set up because of the discontent of the people and elected by them. They were not only, for the first time, to punish breaches of the Statute of Winchester, but also to hear and determine complaints of *transgressiones* against the Charters committed by the king's ministers, which an inquiry by circuits of itinerant justices had failed to check two years earlier.[7] The commission of 1300 has

[1] See *Select Pleas in the Court of Admiralty*, ed. R. G. Marsden, i (Selden Soc., vol. vi), p. xli.

[2] *C.P.R., 1266–72*, p. 132.

[3] Holdsworth, *History of English Law*, i, p. 545.

[4] Professor Putnam thinks that the strengthening of the justices of the peace was one of the first conscious aims of the commons in parliament (*Trans. Roy. Hist. Soc.*, 4th series, xii, p. 47).

[5] *Select Cases in the Court of King's Bench*, ed. G. O. Sayles, i (Selden Soc., vol. lv), pp. 9 and 136; iv (Selden Soc., vol. lxxiv), p. lxxx.

[6] *Parliamentary Writs*, i, pp. 398–400.

[7] For the proceedings of 1298, see W. S. Thomson, *The Lincolnshire Assize Roll of 1298* (Lincs. Rec. Soc., 1944); *cf. C.P.R., 1292–1301*, p. 338.

been called the first attempt since 1258 to put petty justice on a permanent basis;[1] it may also be regarded as the first, if premature, appearance of the justice of the peace.

It is clear that the keeper of the peace began to take presentments and became a justice by no clear design of the king. This may explain some of the opposition which the justice of the peace experienced from the Bench in the fourteenth century, and the ambiguous, not entirely subservient or peaceful, political rôle of the justice in the later Middle Ages. It was the pressure of popular complaint, fostered by the acceptance by the king's justices of jurisdiction over the unlimited field of injuries represented by trespass, which gathered a new local jurisdiction about Lambard's 'extraordinary conservator' charged to defend the coasts and country.

[1] Thomson, *op. cit.*, p. cxxi.

EDWARD I AND THE PROPOSED PURCHASE OF ENGLISH LAW FOR THE IRISH, *c.* 1276–80

By Professor the Rev. Aubrey Gwynn, S.J., M.A., B.Litt., F.R.Hist.S.

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AS far back as 1877 H. S. Sweetman brought to the notice of Irish scholars a letter which Robert de Ufford, justiciar of Ireland, wrote to Edward I in 1277 and the king's answer. The justiciar told the king that 'the Irish offer 7,000 marks for a grant from the king of the common laws of the English, and much desire to have an answer thereupon'. In his reply the king said that he had deliberated with his council, and that 'it seemed meet to them that a grant of English laws should be made, because the laws which the Irish use are detestable to God and so contrary to all law that they ought not to be deemed laws'. But it was first necessary to obtain the common consent of the people, or at least of well-affected prelates and magnates of Ireland; and the justiciar was accordingly instructed to hold a conference and ascertain the opinion of such suitable persons.[1]

Writing in 1920, Orpen assumed that this proposal was in some way connected with the recent pacification of the Irish in Wicklow near Glendalough.[2] Edmund Curtis, writing in 1923, pointed out that a request 'backed by so large a sum, and so seriously considered by the king, must surely have been made by a much larger section of the Irish, possibly all Munster and Leinster, if not agents acting for all Ireland'.[3] More recently Professor Otway-Ruthven has published some new documents which make it plain that Curtis was on the whole right in his view.[4] An offer of 7,000 or 8,000 marks was made by a group of Irish prelates whose interests lay in the county of Tipperary: the archbishop of Cashel,

[1] *Cal*[*endar of*]*Doc*[*uments relating to*] *Ireland, 1252–84*, nos. 1400, 1408.

[2] Orpen, *Ireland under the Normans*, iv, p. 22; see also F. M. Powicke, *Henry III and the Lord Edward*, p. 665.

[3] Curtis, *A History of medieval Ireland* (1923), p. 174; 2nd edn. (1938), p. 161.

[4] *Irish Historical Studies*, vi (1948–49), pp. 261–70.

the bishops of Emly and Killaloe, and the abbot of Holy Cross. Their intention was to obtain English law for the Irish 'without the Irish of Ulster'. Professor Otway-Ruthven has placed the surviving documents in their true chronological order, and has explained very clearly both the extent of the proposed purchase and the motives which led the Irish to make this proposal. My purpose in this paper is to examine in greater detail the Irish side of the question; and in particular to discuss the career of the archbishop of Cashel, who took the lead in the whole negotiation and who was (I believe) personally in contact with Edward I in the summer of 1274.

Archbishop David MacCarwell has hitherto been known to students from the account of his career which Sir James Ware published in his *De Praesulibus Hiberniae* (1665), and from the additional details which Walter Harris inserted into his translation of Ware's book in 1739.[1] Both Ware and Harris give a very unfavourable account of the archbishop's character, but their documentation was most inadequate. To-day we have access to many more records of the English government's dealings with Archbishop David, and in the past twenty years new and welcome light has come from the publication of the annual decrees of the Cistercian chapters general and of the very valuable register of Abbot Stephen Lexinton, who visited the Irish houses of the order in 1228. These new documents make it possible for us to view the archbishop's career and policy against a more intelligible background, and he emerges as perhaps the ablest of the archbishops who ruled the see of Cashel in the medieval period. I shall give my reasons in this paper for believing that Archbishop David came into personal contact with Edward I in the summer of 1274, and that this contact marks a turning-point in his career. His fellow negotiators in Ireland, the two bishops of Killaloe and Emly and the Cistercian abbot of Holy Cross, are little more than names to us to-day. But Archbishop David can be seen to-day as a man whose policies show strength of character and clearness of vision. A study of his long pontificate (1254–89) will help us also to understand the development of English policy towards the native Irish, and in particular towards the more purely Gaelic bishoprics of the medieval Irish church.

[1] Ware, *De Praesulibus Hiberniae* (1665), pp. 165–66; Harris, *The whole works of Sir James Ware concerning Ireland* (1739), i, pp. 472–75.

Since the synod of Kells (1152) Cashel had been a metropolitan see, with ten suffragan bishoprics: Killaloe, Kilfenora, Limerick, Emly, Ardfert, Cork, Cloyne, Ross, Lismore and Waterford. Throughout the twelfth century, and for the first half of the thirteenth, Cashel had very close connexions with Killaloe, which was the diocese of the Dalcassian royal family of O Briain. From 1185 to 1237 four successive archbishops of Cashel were Cistercian monks;[1] and David MacCarwell was, as we shall see, strongly in sympathy with this Cistercian tradition. But the sequence of Cistercian and Dalcassian archbishops was interrupted in 1239, when a Dominican friar, David MacKelly, was elevated to the see and ruled the diocese until his death in 1253.[2] David MacCarwell was dean of Cashel in that year.[3] His family were not connected with the diocese of Killaloe. In 1274, as archbishop of Cashel, he petitioned the Cistercian chapter general for the grant of certain privileges to the abbey of Jerpoint in the county of Kilkenny, and of the newly founded abbey of Cashel (Hore Abbey). In his petition he stated that these two abbeys had been founded by himself or his ancestors.[4] We shall see that the archbishop founded Hore Abbey in 1272. Jerpoint was very much older, having been founded from Baltinglass in 1158. If the archbishop's ancestors were reckoned as founders of Jerpoint, we should expect to find them in what is now County Kilkenny; but we should then also expect to find the archbishop as member of the chapter of Ossory, not of Cashel. Possibly we should place his family in one of the eastern districts of the diocese of Cashel, where it bordered on the diocese of Ossory.[5] Whatever the region

[1] That Marianus O Briain (1224–37) was a Cistercian monk was not known until the recent publication of the register of Stephen Lexinton by Dom Bruno Griesser in *Analecta Sacri Ordinis Cisterciensis*, ii (1946), Epp. 28, 74, 77. Dom Griesser has printed the whole of Abbot Stephen's register: *ibid.*, ii, 1–118; viii (1952), 181–378. The section of the register which deals with the Irish houses is in ii (1946).

[2] No record of this provision survives, but David's translation from Cloyne to Cashel in 1239 is recorded in the *Annals of Inisfallen*, ed. Seán Mac Airt (Dublin, 1951), a. 1239–40.

[3] Theiner, *Vetera monumenta Hibernorum et Scotorum* (Rome, 1864), p. 61.

[4] *Statuta capitulorum generalium ordinis Cisterciensis*, ed. D. J. Canivez (Louvain, 1933–39), iii, p. 137.

[5] The name MacCarwell (Mac Cerbail) is not common. It occurs in Co. Carlow in the fifteenth century: *Calendar of Ormond Deeds*, ed. E. Curtis, ii (1934), pp. 289–90.

may have been in which the future archbishop was born and reared, he was certainly reared in a predominantly Irish area. The bull by which Innocent IV confirmed his election in 1254 states that the king had protested to the Holy See against the election on the ground that the archbishop elect was suspect as being bound by ties of friendship and kinship with men who had plotted against the king's majesty.[1]

The background to Archbishop David's career is thus a relatively wealthy region of Tipperary, in which Irish traditions were still strong, more especially in ecclesiastical circles, whilst the new Norman conquerors were busy building their castles and organizing their manors. The two neighbouring dioceses of Emly and Killaloe were in very much the same position. The diocese of Emly lies partly in the modern county of Tipperary, partly in the county of Limerick. That portion of the diocese of Killaloe which lies west of the Shannon in the county of Clare had been very much less affected by the Norman invasion; but Killaloe included an important section of north Tipperary round Nenagh and Roscrea. There is thus nothing surprising in the fact that the negotiations for the purchase of English law for the Irish should have been conducted by the bishops of Killaloe and Emly, under the leadership of the archbishop of Cashel.

In 1227–29 the Irish houses of the Cistercian order were shaken by a storm which is known in Cistercian history as the *conspiratio Mellifontis*. In 1228 Abbot Stephen Lexinton came to the country as visitor, with full powers from the chapter general. The recent publication of his register has made it possible to follow the story of this crisis in detail. Archbishop Marianus (1224–37) appears in the register as a discreet but consistent supporter of Irish resistance to this English visitor. In 1274 Archbishop David was to use his great influence in the chapter general to undo Abbot Stephen's work and restore the dispersed *filiatio Mellifontis*. Here it will be sufficient to note that there were thirty-five or thirty-six Irish abbeys in the mid-thirteenth century, of which Mellifont, founded from Clairvaux in 1142, was the earliest. Of these no less than twenty-four houses could be counted as belonging, directly or indirectly, to the *filiatio Mellifontis*. From the reports which are preserved in Abbot Stephen's register it is plain that discipline had collapsed in many of these houses, and it might perhaps have been

[1] Theiner, *op. cit.*, pp. 61–62.

sound policy to suppress some of the more openly rebellious abbeys and thus reduce the number of Irish-speaking communities. But the visitor preferred to entrust the task of restoring order to English abbots at Fountains, Furness and Margam, as well as to the English abbot of St Mary's abbey, Dublin. Mellifont lost all her daughter-houses by a decree of the chapter general; and this *dispersio filiationis Mellifontis* remained effective for the next forty-five years.[1]

Archbishop David's election was opposed, not only by the king, but also by the suffragan bishops of the province of Cashel who claimed that their right had been ignored in the election. The first mention of the chapter of Cashel occurs in 1223.[2] Prior to that date the suffragan bishops claimed that the election was theirs by custom, and this claim was admitted by the archbishop elect. But the chapter's rights had been confirmed by Honorius III on 2 May 1224, including their right of election.[3] Both sides appealed to Rome, and Innocent IV confirmed the election on 17 August 1254. Royal assent was given on 19 February 1255, and the archbishop did fealty in person on 30 April.[4] No record of his consecration has survived, but he was probably consecrated at Cashel during the summer of that year. Soon afterwards he held a provincial council at Limerick, at which the ten suffragan bishops entered into a formal agreement with their metropolitan concerning certain disputed rights and customs.[5] Archbishop David had lost no time in asserting his authority in his province.

The next twenty years are filled with records of various legal disputes; but the archbishop was not wholly absorbed in these quarrels. Dr. Leask, who has examined the structure of the cathedral which now stands roofless on the Rock of Cashel, has no doubt that the work must be assigned to the middle years of the thirteenth century.[6] If the Dominican archbishop David began it, Archbishop MacCarwell completed it. When he died in 1289 he left an unusually fine cathedral (by Irish standards) to his successors.

[1] *Statuta*, ii, pp. 62, 73; Register of Abbot Stephen, Epp. 88, 89.

[2] *C[alendar of] P[atent] R[olls], 1216–25*, p. 381.

[3] Theiner, *op. cit.*, p. 22.

[4] Theiner, *op. cit.*, p. 61; *C[alendar of] C[lose] R[olls], 1247–51*, p. 87.

[5] *The Black Book of Limerick*, ed. J. MacCaffrey (Dublin, 1907), pp. 48–49.

[6] H. G. Leask, *Irish churches and monastic buildings*, ii (Dundalk, 1958), pp. 89–92. Dr. Leask thinks that the cathedral may have been begun before 1237; but this is doubtful.

During the years 1255–58 Archbishop David was involved in a sharp dispute with his neighbour, Bishop Thomas of Lismore, about a portion of territory which had been transferred from Cashel to Lismore, most probably during the vacancy which followed the death of Marianus O Briain in 1237. No record of this transfer has survived; but the Cistercian abbey of Suir or Inislounaght, just south of Clonmel, was certainly in the diocese of Cashel during Abbot Stephen's visitation of 1228.[1] It is probable that the Dominican archbishop David held a provincial council soon after his accession in 1239 at which the transfer of this territory to Lismore was approved. David MacCarwell sought to recover this territory by forcible measures; but Bishop Thomas appealed to Rome, and Alexander IV gave judgment in his favour on 23 December 1258.[2] There was also a serious dispute about this time between the archbishop and his dean, whose name is given as Kieran. The dean appealed to Henry III for protection, and went to Rome in 1260. We know nothing of the facts in this personal dispute, but Alexander IV recommended the dean to the Lord Edward on 18 April 1260, and the dean obtained letters of protection on 30 June.[3] As late as 1264 the archbishop was still held to account for a fine imposed on him for the imprisonment of the dean, who is said to have been under the protection of the king and the Lord Edward.[4]

As occasion arose the archbishop was called on to fulfil his functions as metropolitan by confirming the election of one or other of his suffragan bishops and causing them to be consecrated. In 1257, when the see of Ardfert was vacant, Archbishop David seems to have conformed to English law;[5] but in 1266 he broke with established custom and consecrated the bishop of Kilfenora without waiting for royal assent.[6] Henry III pardoned the new bishop for his negligence, but ordered the escheator to punish the metropolitan for his transgression. The archbishop repeated his offence before the end of the same year, confirming the election of a new bishop of Emly without waiting for royal assent, though

[1] Register of Abbot Stephen, Ep. 77.

[2] Theiner, *op. cit.*, pp. 83–84.

[3] Rymer, *Foedera*, i, 760; *C.P.R.*, *1258–66*, p. 80.

[4] 'Calendar of Irish pipe roll 48 Henry III', in *35th Report of Deputy Keeper, Public Records, Ireland*; Appendix, p. 48.

[5] *C.P.R.*, *1247–58*, p. 560.

[6] *C.P.R.*, *1258–66*, pp. 410, 552.

he did not proceed further to consecration.[1] In the following year he was summoned to appear before the king and plead for the king's grace. This was granted at Winchester on 4 November 1267, the archbishop pleading that he had not known his duty in this matter. By formal deed he now bound himself and his successors not to confirm any election before licence to elect had been obtained and the election had been submitted to the king for his approval.[2]

Cardinal Ottoboni was in England at this time. The archbishop of Cashel and the bishop of Kilfenora had presented themselves to the papal legate before 19 December 1267.[3] We may take it for granted that the cardinal admonished them as to their duty to observe the king's rights in ecclesiastical affairs, since that had been settled papal policy in Ireland since the days of Alexander III and Innocent III. Killaloe fell vacant early in 1268. The archbishop was punctilious in awaiting royal assent before he confirmed the election of Matthew O Hogan, who was soon to be associated with him in the negotiations concerning the purchase of English law for the Irish.[4]

For the next five or six years Archbishop David was principally concerned with the affairs of the Cistercian order in Ireland. As early as the summer of 1255, soon after his own consecration, Archbishop David had petitioned the chapter general for permission to have the services of two Cistercian monks from any of the Irish abbeys to help him in his administration. This petition was granted *pro speciali devotione quam dominus archiepiscopus Casselensis habet ad nostrum ordinem.*[5] We hear no more of these Cistercian monks who seem to have acted as the archbishop's secretaries; but their presence at Cashel helps to explain the unusual decision which Archbishop David took in the year 1269, fourteen years after his consecration. The Anglo-Irish Annals of Multyfarnham tell us that 'David, archbishop of Cashel, took the habit of a monk in this year'.[6] This solemn act of profession as a Cistercian monk marks a turning-point in the archbishop's career.

[1] *C.P.R., 1258–66*, p. 583; *1266–72*, p. 660.

[2] *C.P.R., 1266–72*, p. 270.

[3] *Crede Mihi: the most ancient register of Dublin*, ed. J. T. Gilbert (Dublin, 1897), p. 133.

[4] *C.P.R., 1266–72*, pp. 209, 214. [5] *Statuta*, ed. Canivez, ii, p. 421.

[6] Annals of Multyfarnham, ed. A. Smith, in *Tracts relating to Ireland* (Dublin, 1842), p. 15.

It is probably no mere coincidence that the annual decrees of the Cistercian chapter general, which seldom mention the Irish abbeys during the forty years which followed the visitation of 1228, begin once more to pay attention to Irish problems at this time. Several complaints are recorded concerning the lack of discipline in the abbeys of Jerpoint, Corcomroe (Co. Clare), Maure (Co. Cork), Maigue (Co. Limerick), Odorney (Co. Kerry), Tintern (Co. Wexford) and Holy Cross near Cashel in the decrees of 1270, 1271, 1272, 1273 and 1274.[1] All these abbeys were in the province of Cashel or close to its borders (Jerpoint and Tintern). It seems reasonable to conclude that the archbishop of Cashel, now himself a Cistercian monk, had begun to make his influence felt in support of discipline and the authority of the chapter general. But Archbishop David had bolder plans, as was made clear at the chapter which met at Cîteaux in mid-September 1274. He had evidently become convinced that the system imposed by Abbot Stephen in 1228 was no longer suitable to changed conditions; and he planned to restore the abbeys which had once formed part of the *filiatio Mellifontis* to their former status in the order. There were in all twenty-four houses belonging to this group; and he himself had recently added to the number by dispersing a small community of Black Monks from their priory at Cashel, and building a fine new abbey for a community of Cistercian monks whom he brought from Mellifont to Cashel (Hore Abbey) in 1272.[2]

An opportunity for negotiating this great change of jurisdiction was offered to the archbishop by events which took place outside Ireland at this time. Clement IV died in November 1268, and a prolonged vacancy in the Holy See was ended on 1 September 1271, when Theobald Visconti (Gregory X) was elected *per viam compromissionis*. The new pope was in Palestine with Lord Edward when news reached him of his election, and he was not consecrated until 19 March 1272. On 13 April 1273 he issued his summons for the fourteenth oecumenical council, which held its first session at Lyons on 7 May 1274.[3] Meanwhile Henry III had died on 16 November 1272. News of his death reached Edward in Sicily. As is well known, the new king was in no hurry to

[1] *Statuta*, iii, pp. 86, 93–94, 108, 111, 122, 132, 136–37.
[2] Colmcille [Conway], *The story of Mellifont* (Dublin, 1958), pp. 18, 83.
[3] Hefele-Leclercq, *Histoire des Conciles*, vi. i, pp. 167–81.

return home. He visited his friend the new pope at Orvieto on 13 February 1273. Gregory X was then planning his summons for the general council, and it would have been inconvenient for his purpose if English bishops were detained at home for Edward's coronation at a time when their presence was needed at Lyons. Thus it happened that Edward spent the following twelve months in Italy and France. He was in the neighbourhood of Limoges during the sessions of the second council of Lyons, and did not reach England until August 1274.[1] His coronation took place at Westminster on 18 August 1274.

No complete list of the prelates who attended the council at Lyons has survived; but by a lucky chance we know that the archbishops of Canterbury, York and Cashel, with twenty-two of their suffragan bishops, were present at the final session (16 July).[2] We may fairly presume that the three archbishops had been present at the earlier sessions of the council. Edward I was in Normandy for most of the month of July, and did not reach Dover until 2 August. During his absence the kingdom was governed by Robert Burnell. Two writs are recorded on the close roll of this year as having been issued by Burnell and by writ of the great seal on 9 and 13 July.[3] By the first, the king orders his treasurer in Ireland, the deputy of the treasurer and the barons of the exchequer in Dublin to respite until the quinzaine of Michaelmas next ensuing all exactions, demands and distresses for debt made against the archbishop of Cashel; and on 13 July the king commanded his justiciar in Ireland, Geoffrey de Geneville, to respite all exactions against the archbishop until the king's arrival in England. These mandates suggest very strongly that the archbishop had been in contact with the king before July 1274, and had won his favour for the time being. It is technically possible that the archbishop might have been in England on his way to Lyons in the first week of July, and that he obtained these writs from Burnell, not from the king. But there was an unforeseen delay of a whole month in the dates appointed for the three last sessions of the council, which were held on 6, 16 and 17 July; and it seems most improbable that any prelate who was due to attend

[1] F. M. Powicke, *Henry III and the Lord Edward*, pp. 614–16.

[2] F. Kaltenbrunner, *Mittheilungen aus dem vatikan. Archive*, i. 52; cited by Powicke, *op. cit.*, ii, p. 615.

[3] *C.P.R., 1272–79*, pp. 90, 91; *C.C.R., 1272–79*, pp. 18, 143.

the council could have been in England as late as the first week of July.

A very much easier solution of the difficulty is to assume that the archbishop met the king on some day in June during an unexpected adjournment of the council's sessions. One of the main purposes of the council was to bring about reunion with the Greeks, whom Gregory X had invited to Lyons. The first three sessions of the council were held on 7 and 18 May and 7 June. The Greek embassy, which was known to be on its way, had not arrived by this last date, and the fourth session was postponed to await their arrival. The Greeks reached Lyons some two weeks later, and were solemnly received in the cathedral on 24 June.[1] There was thus a whole month between the third and fourth sessions (7 June–6 July); and Archbishop David can have had no difficulty in making his way to Limoges, where the king was known to be waiting for the council to conclude its business. No direct record of this meeting has survived, but the simplest interpretation of the two writs of 9 and 13 July is to assume that the king had granted these favours to the archbishop in a personal interview, and had sent instructions to Burnell in England, who issued his writs on the dates that appear on the close roll.

The Cistercian chapter general met annually at Cîteaux in mid-September, and Archbishop David must have gone from Lyons to Cîteaux with the comforting knowledge that he had gained the goodwill of the new king. Two or three personal favours were granted him by the chapter 'ad petitionem reverendi patris domini Cassellensis archiepiscopi'.[2] The archbishop's recent foundation at Cashel had been approved by the chapter of 1272.[3] The chapter of 1274 gave favourable consideration to a proposal put forward by the archbishop for the transfer of Bective (Co. Meath) to a site which was to be approved by the two abbots of Mellifont and Dublin.[4] This change of site was never effected. But the archbishop's main petition was granted without any further delay. All the daughter-houses that had been taken from Mellifont in 1228 were now restored to her jurisdiction.[5] A cynical English chronicler, the anonymous continuator of William of Newburgh, records this change as follows: 'On his way back from the council

[1] Hefele-Leclercq, *op. cit.*, vi. i, pp. 173–74.
[2] *Statuta*, iii, pp. 133, 137.
[3] *Statuta*, iii, p. 101.
[4] *Statuta*, iii, p. 137.
[5] *Statuta*, iii, p. 128.

the archbishop of Cashel went to the chapter at Cîteaux, and at his request the paternity of the Irish abbots was restored to its former state; and so they went back to the bad old ways (*sic itur in antiquam silvam*).'[1] There is much in the later history of the Irish Cistercian houses which might be thought to justify this wry comment. But I venture the opinion that, so long as Archbishop David lived at Cashel, the communities that lay within reach of his strong arm and under his watchful eye kept their rule more faithfully than some of their brethren in more remote houses.

Either at the chapter which met at Cîteaux or soon afterwards Archbishop David took a vow to go as a pilgrim to the Holy Land. Gregory X, who was then still at Lyons, commended the see of Cashel to the king's protection during the archbishop's absence on this pilgrimage on 4 October 1274.[2] But there are entries on the close roll for 17 January 1275, as well as two entries on the patent roll for 18 February and 25 March, which make it plain that this vow was never fulfilled.[3] Archbishop David must have gone back to England soon after the meetings of the Cistercian chapter, and obtained the king's pardon for a debt at Clarendon on 17 January. He seems to have returned to Ireland soon after this date.

It seems a very reasonable conjecture that the proposal to grant English law to the Irish, with or without the Irish of Ulster, was first made by the king when he met the archbishop of Cashel in France in June 1274. Nothing in the known story of the archbishop's career prior to that summer suggests a policy of this kind, whilst Edward's policy of giving English law to the Welsh is a well-attested fact of history. Moreover, if we examine the negotiations which fill the years 1276–80, we find the archbishop constantly appealing to the king for support, whilst he is as constantly being opposed by the English officials in Ireland.

Archbishop David's first task on his return to Ireland must have been to secure the implementation of the chapter's decree which restored her lost daughter-houses to Mellifont. That he incurred the displeasure of the king's officials in Ireland by this action is plain from two statements made to the king by the

[1] *Chronicles of the reigns of Stephen, Henry II and Richard*, ed. Howlett, ii, p. 567.

[2] Rymer, *Foedera*, ii, 39.

[3] *C.C.R., 1272–79*, p. 143; *C.P.R., 1272–81*, pp. 80, 83.

justiciar in a letter which can be dated to the summer of 1277.[1] In this letter Robert de Ufford charges the archbishop with a plan to put all the Cistercian houses of the English tongue in subjection to the abbey of Mellifont, where all are Irish; and he adds that the archbishop had recently made an Irish boy (*un enfant Irreis*) of twenty-two years bishop of Cork, to shame the English (*pur hunir les Engleis*). The see of Cork was vacant in January 1277, and Edward gave royal assent to the election of Brother Robert, a Cistercian monk, on 8 May. The bishop did fealty in person on 11 May, when the king ordered restitution of temporalities.[2] Edward was not likely to take fealty from an Irish boy as bishop, though the bishop elect may well have been below the canonical age. The justiciar's other charge is plainly untrustworthy. The decree of the chapter general of 1274 did no more than restore their former paternity to certain Irish houses, which had been in origin daughters of Mellifont. The justiciar states that there were five houses of the English tongue in Ireland.[3] In fact there were at this time ten houses of the English tongue. Of these the most important was St Mary's abbey near Dublin, with its two daughter-houses at Dunbrothy (Co. Wexford) and Laragh (Co. Longford). There were also important English abbeys at Duiske (Co. Kilkenny) and Abington or Woney (Co. Limerick). There is no hint in our extant records that any attempt was made to bring these abbeys into the *filiatio Mellifontis*. There is a puzzling decree about the filiation of Comber (Co. Down) among the decrees of 1277.[4] Comber was in origin a daughter of Whitland, but the decree mentions a dispute between the abbots of Mellifont and Newry concerning the filiation of Comber. Does this decree refer to an otherwise unknown daughter of Comber, or to some change in the status of Comber? Rumours arising from the proposal to transfer the abbey of Bective to some other site, combined with this possible change in the status of Comber, may account for the exaggerated charges made by the justiciar in his letter to the king.

[1] P.R.O., Chancery Misc. 10/13/18. Part of the text has been printed by J. Otway-Ruthven, *loc. cit.*, p. 267.

[2] *C.P.R., 1272–81*, p. 213; *Cal. Docs. Ireland, 1252–84*, no. 1360.

[3] A complete list of all Cistercian houses in Ireland, English and Irish, is given by A. Hamilton Thompson in *Archaeological Journal*, lxxxviii (1931), pp. 10–20.

[4] *Statuta*, iii, p. 172.

Archbishop David must have taken an active part in this great reorganization of the Irish abbeys during the years 1275–77; but he must have discussed the proposal of petitioning for English law with some at least of the Irish bishops and abbots during these same years. The justiciar's first letter, written probably in the winter of 1276–77, names 7,000 marks as the sum proposed by the Irish as the price they are willing to pay for the purchase of English law.[1] The king's answer to this letter has been lost; but the next letter names 8,000 marks as the sum involved.[2] The archbishop went over to England in 1277, as we learn from an entry in the Annals of Inisfallen: 'The archbishop of Cashel went oversea to the king of England and spent a long time there.'[3] On 26 June the king granted the archbishop a charter by which a site near the church of St Nicholas in Cashel, on which the justiciar had begun to build a gaol, was returned to the archbishop, the king undertaking to cause the prison to be built elsewhere.[4]

From the documents published by Professor Otway-Ruthven it is plain that the king's officials in Ireland were opposed to the whole scheme, and were working steadily to undermine the archbishop's influence at Edward's court. A letter which she did not notice, which must belong to the year 1278, shows us that these unfavourable reports had, for a time at least, a very real influence on Edward's attitude.[5] Writing to John de Kirkeby, who was then in charge of petitions to the king, the archbishop of Cashel begs John to show special favour towards the archbishop and the interests of his church. He himself has been unable to cross the sea and come to England owing to pressure of other business and ill health; but he begs John to obtain a general attorney for the archbishop in Ireland, if possible for the dean of Cashel; and prays that the king's wrath may be appeased.

The archbishop must have felt that more was needed, for we

[1] *Cal. Docs. Ireland, 1252–84*, no. 1400.

[2] Text printed by J. Otway-Ruthven, *loc. cit.*, p. 267.

[3] *The Annals of Inisfallen*, a. 1277. He was in Oxford in July 1277, and again in July 1278; and acquired property there: A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500*, *s.v.* 'MacCarwell, David'.

[4] *Cal. Docs. Ireland, 1252–84*, nos. 1361–62.

[5] P.R.O., S.C.1/10/86. I owe my knowledge of this letter to Mr Geoffrey Hand. I have printed a letter which Archbishop Nicholas of Armagh wrote to John de Kirkeby on 14 October 1278 in *Archivium Hibernicum*, xiii (1947), pp. 14–15.

find him in person at Woodstock on 10 February 1279, when the king notifies his bailiffs in Ireland that the archbishop of Cashel has attorned Gilbert son of Matthew before the king in all pleas and plaints in the king's courts in Ireland.[1] Archbishop David seems to have recovered his good standing in the king's court as a result of this visit. He spent most of the two years 1279–80 in England, and we find the bishops of Emly and Killaloe associated with him at this time. On 22 April 1280 the king granted letters of attorney in Ireland for Bishop David of Emly and Bishop Matthew of Killaloe.[2] On 10 June the king issued letters patent of special favour to Archbishop David, ordering the justiciar to protect Thomas son of David, William son of Clement and other kinsmen and friends of the archbishop.[3] On the same day the king issued letters patent to all archbishops, bishops, abbots and magnates of Ireland and to all other English in Ireland, informing them of the proposed grant of English law to the Irish and ordering them to meet on days to be appointed, and diligently to debate whether or not the king can make this concession without prejudice to themselves, their liberties and customs. A report on their deliberations was to be brought before the parliament that was due to meet at Westminster on the following Michaelmas.[4] It seems probable that the matter had been discussed in the Irish parliament at some earlier date, perhaps in 1277 or 1278.[5]

The Annals of Inisfallen have an entry for the year 1280: 'The archbishop of Cashel came over from the king of England and went back immediately, having made peace with the king of England.' Archbishop David and the bishops of Killaloe and Emly must have gone back to Ireland for the conference ordered by the king, of which unfortunately no record has survived. They were back in England before the end of October. On 30 October the king granted the archbishop a renewal of the protection which had been granted in June for his friends and kinsmen; and on the same day Bishop Matthew of Killaloe obtained a similar protection for his kinsmen.[6] On 7 November the king issued fresh letters of

[1] *C.P.R.*, *1272–81*, pp. 301, 400.
[2] *Ibid.*, p. 368. David, bishop of Emly, who succeeded in 1275, had been abbot of Holy Cross: *C.P.R.*, *1272–81*, pp. 97, 101.
[3] *Ibid.*, p. 381.
[4] *Ibid.*, p. 380.
[5] J. Otway-Ruthven, *loc. cit.*, p. 263.
[6] *C.P.R.*, *1272–81*, p. 400.

attorney in Ireland for the two bishops of Killaloe and Emly.[1] On 1 December the bishop of Killaloe was able to bring to a successful conclusion some very tedious negotiations concerning his former manor of Roscrea, which had been seized by the justiciar some fifty years earlier, and on which the castle of Roscrea had been built.[2]

We hear no more of the bishops of Killaloe and Emly, who may perhaps have returned to Ireland during that winter. But the archbishop remained in England for the next three years. On 26 May 1281 he obtained letters of attorney for Adam le Blund in the Irish courts, he himself remaining in England.[3] In October of that year John de Kirkeby appears as surety for a loan of 100 marks, which the archbishop undertakes to pay to the bishop of Coventry and Lichfield before June 1282.[4] The Annals of Inisfallen tell us that the archbishop of Cashel went back to Ireland in 1283. He had been in England for the best part of four years.

Professor Otway-Ruthven has summarized very clearly the motives which induced men like the archbishop of Cashel, the bishops of Emly and Killaloe, the abbot of Holy Cross and others of the same way of thinking, to put forward their bold plan. There was 'the desire to be answered in the courts of common law; to be able to sell their land more easily than Irish law allowed; to hold their lands in fee and inheritance, with resulting security of tenure; to obtain dower for their widows; to have their persons and property protected by the harsher penalties of the common law'.[5] That the Irish of Ulster should be excluded from this concession is no more than a recognition of the simple fact that large areas of the northern province had not been directly affected by the conquest. In ecclesiastical terms the five dioceses of Derry, Raphoe, Clogher, Kilmore and Dromore were well known to the king and his officials as a territory in which the king's rights in time of vacancy were openly ignored.

This exclusion of the Irish in Ulster from these negotiations is apparent in the earliest of our surviving documents, and may perhaps go back to the conversations which I have supposed the king to have had with the archbishop of Cashel in the summer of 1274. Edward had never been in Ireland, and never knew that

[1] *Ibid.*, p. 402. [2] *Ibid.*, p. 416. [3] *Ibid.*, p. 437.
[4] *C.C.R.*, *1279–88*, pp. 134–35, 182–83.
[5] J. Otway-Ruthven, *loc. cit.*, p. 261.

country as he knew Wales from personal experience. But Edward had been lord of Ireland since February 1254, and he must have been aware of the general situation during the period of his lordship. A few scattered mandates issued in his name have survived, and it is a pity that no scholar has brought them together for critical study. But the central archives of Edward's lordship have long since disappeared, and we have no means of testing his Irish policy or his knowledge of Irish affairs before his accession as king.

In an undated note, written in Norman French and now surviving in two separate parts which Professor Otway-Ruthven has identified in Carew MSS., vol. 619, no. 207, and Rawlinson MS. B. 484, fo. 17r, and which she describes as 'a note of representations made to the king and council' and dates to the year 1280, the sum of 10,000 marks is now mentioned for the first time as the sum which the Irish are willing to pay, and no mention is made of an exclusion of the Irish of Ulster. Instead of this clause there is now a provision that those 'Irishmen of the community of the Irish tongue who will not come to the aforesaid (English) law within the aforesaid term' shall purchase for themselves anew the common law if they will have it. This change in the terms of the proposed grant may perhaps be due to an increasing consciousness that the Irish who might be unwilling to accept the common law would not be confined to the province of Ulster. Furthermore, the three principal negotiators on the Irish side, who are here named as David, archbishop of Cashel, Matthew, bishop of Killaloe, and David, bishop of Emly, state that they have the support of five other bishops of the province of Cashel, and are willing to pledge all the temporalities of the archbishop and his seven suffragans as guarantee that they will pay this large sum within the term of five years.

Whatever may have been said or done in the years 1280–83, it is certain that the whole plan was dropped soon after 1280. The scheme was in fact too ambitious to have any hope of real success, even with the exclusion of the Irish in Ulster; and the king's experience of the results of a similar policy in Wales cannot have encouraged him to pursue the negotiations any further. There was also a more sordidly financial side to the whole question, which must have had its effect on the policy pursued by the king's officials in Ireland. A payment of 10,000 marks as a lump sum was

large by any Irish standards, but it may well have seemed a very poor bargain indeed to the treasurer and escheator in Ireland. A series of petitions from Ireland has been preserved on one of the parliamentary rolls for 1290, and one of these petitions throws light on the importance of these financial considerations. An Irishman named Maurice Macotere (Cotter) petitioned the king for a grant of English liberties in Ireland, and advanced as one of his arguments that 'the king can inspect a transcript of a letter enrolled in chancery and granted to others in Ireland, whereby the king gained three thousand pounds in one day in that country'. The king ordered letters patent to be made in favour of Maurice, and adds that 'the escheator of Ireland had testified that this would be for the king's advantage'.[1] The argument of hard cash is always effective.

Very little is known of the last six years of Archbishop David's life. In 1284 he is named as one of the Irish bishops from whom Stephen de Fulbourn, bishop of Waterford and then justiciar, received large sums of money and lands in fee by procuring defaults against them. Bishop Stephen is said to have had £50 a year from the archbishop in this way, and a further £100 in lands and tenements.[2] Death came to end these troubles on 1 August 1289; and it seems probable that the archbishop was buried, not in his own cathedral on the Rock of Cashel, but in the church which he had built for the Cistercian community which he founded in 1271–72.[3]

Viewed in the light of later history, it can be seen that the proposal to grant English law to the Irish, even without the Irish of Ulster, was bound to fail. Irish resistance to any general grant of English law, implying as it did an abandonment of the older Irish system of brehon law, was bound to be stronger than the king seems to have expected in the first years of his reign. But Edward's gesture made its appeal to a generous-minded archbishop, who was not afraid to face the hard facts of life; and both king and bishop could at least claim that they had been working for the cause of peace.

[1] *Cal. Docs. Ireland, 1285–92*, p. 306. [2] *Ibid.*, p. 13.

[3] The exact date of the archbishop's death is given on the Irish Pipe Roll 18 Edw. I, in *37th Report of Deputy Keeper, Public Records, Ireland*; Appendix, p. 40. For his tomb, see John Lynch, *De Praesulibus Hiberniae*, ed. J. F. O'Doherty (Dublin, 1944), ii, p. 17.

PRESIDENTIAL ADDRESS

By Professor the Rev. M. D. Knowles, Litt.D., D.Litt., F.B.A., F.S.A., F.R.Hist.S.

READ 12 DECEMBER 1959

GREAT HISTORICAL ENTERPRISES

III. THE MONUMENTA GERMANIAE HISTORICA*

LAST December we considered the work of the Maurists, who were at once a product and an ornament of a very brilliant phase of French learning and scholarship. This afternoon we turn to another great nation in what was, perhaps, the golden age of its influence upon the thought and academic disciplines of Europe.

German scholarship of the nineteenth century, and in particular German historical scholarship, was for long unduly neglected in this country. Then, for a short space between the wars of 1870 and 1914, it was widely admired and imitated. Finally, as a result of the two wars and the Nazi régime, it has in large part fallen once more out of the picture for Englishmen, and its achievements and the names of its most eminent practitioners have all but passed into oblivion.[1] It may therefore be of interest to rescue from this undeserved neglect a great enterprise which, initiated by a single man, grew to be a focus of technical scholarship unequalled even in Germany, and ended by becoming a national, not to say a nationalized or Nazialized, institution.[2]

* Professor Walther Holtzmann, Director of the German Historical Institute at Rome, and a member of the Zentraldirektion of the *Monumenta*, was kind enough to read a draft of this lecture and to make a number of corrections and suggestions. While warmly thanking Dr Holtzmann, I must also make it clear that the opinions and judgments (and possible errors) are mine, not his.

[1] The only adequate account in English of German historical studies in the nineteenth century is the old, but still valuable, *History and Historians in the nineteenth century*, by G. P. Gooch (London, 1913; 3rd edn. revised, 1952); there is a section on the *Monumenta*, and a short account of Waitz.

[2] For the story of the *M*[*onumenta*] *G*[*ermaniae*] *H*[*istorica*] to 1921 the narrative by Harry Bresslau, the official centenary historian, in *N*[*eues*]

The 'only begetter' of the *Monumenta* was the eminent Prussian statesman and patriot, the Baron Karl vom Stein. Stein was a statesman of energy, foresight, honesty and determination whose greatness, on a long view, must be reckoned indisputable.[1] He was also a man of wide intelligence and culture, with a particular interest in history, and a conviction that nothing would better serve the cause of German nationhood than a full knowledge of the medieval Empire. Retiring into private life after the Congress of Vienna, he had leisure to use his influence and means in furthering his ideas. He had discussed his hopes with friends such as the brothers Grimm, Goethe, Eichhorn and Savigny, and a number of proposals had been made, among others one of Wessenberg for a network of central and regional associations with government funds and princely patronage. This and other schemes like it broke down upon the hard reef of finance, and the actual beginning was due to Stein alone who enlisted the help of two scholars Büchler and Dümgé, the latter of whom drew up a prospectus of a publishing and editing society (24 June 1818), while Stein began a search for subscribers. Finally, a meeting took place at Frankfurt on 20 January 1819, at which Stein and four leading politicians agreed on a plan establishing Dümgé as general editor and Büchler as secretary of the enterprise, and on June 12 the constitutions of a society, *Die Gesellschaft für Deutschlands ältere Geschichtskunde*, were approved, and remained in force (if that is the word) for more than fifty years.

The association thus called into being had an unusual organiza-

A[*rchiv*], xlii (1921), is authoritative, and has been followed throughout. References are given as *Bresslau*. It may be supplemented by Wattenbach-Levison-Holtzmann, *Deutschlands Geschichtsquellen in Mittelalter* (edn. 1952), i, 17–28; G. Waitz, 'Über die Zukunft der M.G.H.', in *Historische Zeitschrift*, xxx (1873), 1–13; and E. Dümmler, 'Uber die Entstehung der M.G.H.', in *Im neuen Reich* (Leipsic, 1876). A volume by H. Heimpel, *Organisationsformen deutscher Geschichtswissenschaft*, commemorating the centenary of the birth of P. F. Kehr, is scheduled for publication early in 1960 (Göttingen-Zürich).

[1] Stein's biography has been written by G. H. Pertz (6 vols. in 7, 1849–55), Sir J. M. Seeley, *The Life and Times of Stein* (3 vols., 1878), and G. Ritter, *Stein, eine politische Biographie*, 2 vols. (Stuttgart-Berlin, 1931; repr. 1958). For a short account see the article by J. Holland Rose in *Encyclopaedia Britannica*, 10th edn. (1911). Stein was assisted by others, especially by J. A. v. Aretin, but the latter is not entitled to the share attributed to him in *N*[*eue*] *D*[*eutsche*] *B*[*iographie*], *s.v.* Aretin, J. A.

tion. Whereas a society is normally directed by officers elected from among its members, here from the first the members were contradistinguished from the directorate or governing body (*Direktion* or *Zentraldirektion*) under a President. No machinery was set up for the appointment of Editor and Secretary, who were not *ex officio* members of the Directorate. Stein was, as if by nature, president, and it was assumed that he would appoint the two officers. Members, who became so at first by invitation of Stein or the Directorate, had no right or voice in the affairs of the society; their numbers never increased, and in fact diminished in time almost to vanishing-point. In other words, the society was one of straw; all duties and power lay with the president and the two officers.

Neither Dümgé, a sour and difficult man, nor Büchler, who lacked technical competence, was capable of getting the undertaking out of harbour and over the bar, and by the end of 1821 the former had been dropped by Stein while the latter, who had tried to defend his friend, had resigned. Meanwhile Stein had displayed the greatest energy in finding friends and funds, and among his minor achievements may be counted his enlistment of Goethe, whom he set collating a manuscript of Otto of Freising. Nevertheless, the going was not good; Stein himself had to find most of the money to support the first researches, and a considerable sum was lost on useless or senseless travel in search of manuscripts on the part of inefficient collaborators. The situation was saved by the fortunate appearance of Georg Heinrich Pertz (1795–1876).

Pertz[1] came from Hanover, the son and grandson of prosperous bookbinders; as a schoolboy he had seen and experienced the rigours of the French occupation. Educated in classics and history at Göttingen, he was engaged as tutor in Hanover to a family with official and diplomatic connexions which made him familiar with the tastes and manners of high society and ultimately brought him into personal and friendly contact with Stein. Pertz as a young man was highly intelligent, vivacious, good looking and

[1] There is no adequate life of Pertz. An interesting autobiographical fragment, dictated to his second wife in 1869, together with a selection of his letters (in English), was published by Leonora Pertz in ?1894. His letters to Droysen were published in 1896. Bresslau was able to use many others in the archives of *M.G.H.* For Pertz see also *A*[*llgemeine*] *D*[*eutsche*] *B*[*iographie*].

in every way presentable, and in his early life, at least, lacked neither charm nor understanding nor sympathy. He was sent by Stein to search out manuscripts at Vienna, and his work, and still more his success in personal relations, led Stein to send him in the autumn of 1821 to Rome. Here his tact and charm made still further conquests; he made the acquaintance of Consalvi and Mai and, contrary to all expectation, received the entrée to the Vatican archives. He also won the confidence and affection of the great Niebuhr, then acting as Prussian representative to the Vatican, and was treated by him as a family friend, almost as a son. When, therefore, Stein was faced with the crisis of 1821 and had tried more than one shift, he finally turned to his brilliant young protégé and on 26 August 1823 it was settled that Pertz should become the society's Editor. It was a piece of extraordinary good fortune for the undertaking. Pertz, forty years later, was to suffer an eclipse, and to arouse criticism, opposition, and even hostility, but by then much water had flowed under the bridges, and in 1823 Stein could scarcely have found a better man in Germany to combine the enterprise of youth with solid scholarship and an admirable capacity both for organization and for hard work, together with the determination that could carry him through weather both fair and foul.

Meanwhile Stein had also found his Secretary. Johann Friedrich Böhmer[1] was a young man of exactly the same age as Pertz (1795–1863) but of a very different character and temperament. He was a Frankfurter of the upper bourgeoisie, whose father had held high civic office with conservative traditions from the pre-Napoleonic age; he was earnest, thrifty, retiring and far from expansive in society, but he was loyal, sensitive and romantic of mind. Throughout his life he felt a deep attraction towards the traditions and external manifestations of the Catholic Church, and he had many friends and disciples of that faith, such as Brentano and Janssen, but he never took the step of joining the Church. His influence over a school of historians was considerable, but lies outside our scope. Stein, who had known his family in other years, met him and offered him the post of Secretary. In August 1823 Böhmer met Pertz, and wrote of him as a future Mabillon of

[1] For Böhmer, see the biography, *J. F. Böhmer's Leben, Briefe*, etc., by J. Janssen (1868). Cf. also Ranke, *Abhandlungen und Versuche*, Neue Sammlung, 535–44.

Germany; Pertz for his part took to Böhmer and the long association, which ripened into a friendship, began that was to survive all trials and differences until it was broken by death.

Now that Stein had two such excellent officers it was possible to devise a programme. From the beginning the conception was grandiose; all the sources (Stein would rather have said, all the memorials) of German history from the disappearance of effective Roman rule to the invention of printing—in other words, the millennium from 500 to 1500 A.D. The only topics excluded, large indeed in themselves, but necessarily left on one side, were the purely ecclesiastical history of Germany, and the crusades. The materials were from the first divided into five sections, namely chronicles (*Scriptores*), laws (*Leges*), charters (*Diplomata*), letters (*Epistolae*), and finally writings of antiquarian interest (*Antiquitates*). Hahn of Hanover was selected as publisher.

The first task of the new editor was to produce a volume which would attract attention and prove the viability of Stein's enterprise. Logically, a beginning should have been made with the early Merovingian documents, but this was a peculiarly difficult field in which Pertz had as yet no materials. It was decided therefore to begin with Charlemagne, and the first volume duly appeared on 14 August 1826 with the sub-title *Annales et Chronica aevi Carolini*. After some discussion the format of royal folio had been selected, and from the various formulae proposed by Pertz for the general name of the series Stein selected the familiar three words: MONUMENTA GERMANIAE HISTORICA. On the title-page was the motto originally suggested by Büchler, which has become familiar to so many thousands of readers: 'Sanctus amor patriae dat animum'.

No sooner had the first volume appeared than Pertz set out in search of manuscripts to Paris and England. His reputation, his charm and his ability to combine hard work with social activities were remarkable; in Paris he was received not only by Rémusat, Guérard and the Thierrys, but in diplomatic circles and in fashionable salons. He found manuscripts in plenty; he also found a wife in Julia Garnett, the American-born daughter of a well-known English astronomer. They were married in Paris, with Lafayette and the Hanoverian minister among the guests, and returned to Hanover after Pertz had taken his wife to stay with Niebuhr and Stein, who found her intelligent, unaffected and winning. In the

autumn of this year (1827) Pertz entered upon his duties at Hanover as archivist and librarian of the Royal Library.

In December 1829 the second volume appeared, largely the work of Pertz. Taken together, the first two volumes, with a total of 1500 folio pages, were a good beginning. Several important works, such as the *Annales Xantenses*, discovered by Pertz, were published for the first time, others, such as Einhard's Life of Charlemagne, appeared in a vastly improved text, and though here and there later critics could find faults, the favourable reception was justified. Difficulties, however, were by no means over. Energetic as he was, Pertz could not alone do all the editorial and sub-editorial work, and in 1829 he secured his first standing collaborator, a man of his own age, J. M. Lappenberg, state archivist of Hamburg. Lappenberg did excellent work and remained a pillar of the *Monumenta* till his death forty years later, but he was a contributor, not an assistant. The same may be said of the somewhat unexpected emergence of Böhmer. Böhmer had long been anxious to help with the scholarship as well as with the administration, and had already collected materials for small undertakings. Now, inspired by Pertz, he volunteered to compile a register of imperial charters from 911 to 1313 to serve as the first volume of the *Diplomata* section. The first part was out in 1831 and the series, with offshoots and revisions, continued till his death, but it was financed by Böhmer himself and did not figure among the *Monumenta*, though it usually finds a place on the shelves alongside. With all its inevitable faults and errors it was not only a priceless tool but an inspiration and a pioneer in an important field.

Meanwhile the financial position was still stringent. Neither governments nor nobles helped as Stein had hoped. Some feared, as in France in the days of the Maurists, that research might upset the titles of the reigning houses and powerful families; others, that a study of medieval Germany would make men anti-liberal and pro-Catholic.[1] Metternich in particular feared revolutionary discoveries and would not allow Austria to help. Before any firm position had been reached the undertaking lost its only powerful guide and support with the unexpected death of Stein (29 June 1831). This event revealed the faulty organization of the society. Neither Pertz nor Böhmer was a member of the Directorate; the

[1] For this see Waitz, *N.A.*, ii, 460.

only efficient member to hand was the Prussian politician and minister, Baron K. F. F. von Nagler. Fortunately, the financial cares of the *Monumenta* were shortly to be eased. Böhmer was tireless in circularizing ministers and politicians, and Nagler used his influence in high quarters. Now that Stein was dead Metternich was no longer hostile, and at the Vienna conference of 1834 he recommended the appeal to the Federal Assembly; this body in turn recommended a block grant to be raised by contributions from the member states. The total sum was paltry, and the inevitable shuffling and haggling took place while everyone waited for his neighbour to move, but eventually an income was assured,[1] for a few years only but renewable, and with no strings attached save a very reasonable demand for yearly accounts and report of progress. A more favourable arrangement was made in 1844. Having achieved this, Nagler withdrew into the shadows, leaving Pertz and Böhmer in power. In Stein's project the Directorate was to be composed of statesmen and dignitaries, employing an Editor and Secretary. The constitution remained in force but the president had vanished, leaving Editor and Secretary as sole directors. For thirty years the *Monumenta* was to be conducted by two men living far apart, drawing annual funds from the Federal Assembly, and in fact responsible to no one. Pertz was by far the more powerful of the two partners, but Böhmer was a faithful and active manager, who did not fail to make his views known, though in the final resort Pertz usually had his way.

Shortly after the financial settlement Pertz secured his first regular assistants. The great resurgence of historical activity had by now begun to pay dividends. Above all, Ranke at Berlin had founded a school that was to influence all Europe.[2] Besides his fame as a writer and a personality, which only Macaulay among living historians could rival, Ranke was one of the greatest of academic teachers. He did not indeed initiate, but he certainly canonized the *Seminar*, a group of promising pupils to whom the master taught the skills of his craft in co-operative work with mutual help and rivalry in the field of his own studies. Ranke also gave his pupils two revolutionary methods—recourse to records and archives, rather than to literary sources, and the thorough

[1] *Bresslau*, 209, gives it as nearly 5,000 Taler per annum. The monetary reckonings of early days are always in Gulden and Taler.

[2] For a short English account of Ranke, see Gooch, *op. cit.*, chap. vi.

criticism of the reliability and characteristics of all the contemporary witnesses. His fame attracted students from the whole of central Europe and beyond and for half-a-century the cream of German scholarship flowed through his hands.

Ranke initiated his seminar in 1833, and in the group of the first two years were Giesebrecht, Köpke, Hirsch and Waitz. The last-named,[1] who had come to Ranke by way of Savigny and Lachmann, was hailed by the master as the future Muratori of Germany; in 1835 he won a prize for a brilliant study of King Henry I, and at the advice of Lappenberg, warmly recommended by Ranke, he offered his services to Pertz, who thus in 1836 acquired without effort and for a subsistence wage the greatest medieval scholar of the century, who as a critic was to revolutionize the study of sources and as a constitutional historian did for Germany what Stubbs, his admirer, was later to do for England. In 1837 Waitz was joined by another able young man, Ludwig Bethmann. Both lived with Pertz and his alert, sympathetic and kindly wife as members of the family; the Pertz of those days was still the lovable master and friend; Waitz describes him in his diary as a frank, homely man, with blond hair, blue eyes and an open forehead, a leader, but approachable. It was the April of the *Monumenta*.

The *Scriptores* continued to appear at regular intervals, and as early as 1829 there began a series of individual texts reprinted with shorter editorial matter in cheaper octavo form *in usum scholarum*. At a later date, the 'school editions' became new, scholarly editions replacing many of the original folios. From these arose a controversy between Pertz and Böhmer which lasted for more than thirty years. Pertz throughout loved the folio-format, and viewed with displeasure both the proposal to reduce the *Scriptores* to quarto or to publish a simultaneous octavo version. He feared loss of sales and diversion of editorial energy. Böhmer, with more prophetic vision, wished to popularize scholarly and historical work as much as possible. Unable to move Pertz, he himself

[1] There is no good biography of Waitz; for an intimate sketch by his son Eberhard, see *Georg Waitz* (Berlin, 1913; the centenary of his birth). For appreciations, see W. Wattenbach, *Abhandlungen d. Berliner Akademie*, 1886; A. Kluckhohn, 'Zur Erinnerung an Georg Waitz', in *Sammlung Gemeinverständlicher wissenschaftlicher Vorträge* (ed. Virchov u. Holtzendorff), N.F., ii Ser., Heft. 25–48 (Berlin, 1887), 347–82, and the attractive pages of G. Monod in *Portraits et Souvenirs*, 1897.

produced, outside the *Monumenta*, a series of small volumes of texts with introductory matter, each grouped round a leading topic, under the title *Fontes Rerum Germanicarum*. The first appeared in 1843, and the series had a wide sale.

While the financial position was still stringent, a great change had taken place in Pertz's life. In 1841 Ranke, supported by Jacob Grimm and Savigny, obtained for him the offer of the Directorate of the Royal Library in Berlin. Pertz, after some hard bargaining, accepted the post and in April 1842 moved into the commodious house adjoining the great library; he was soon joined by Waitz. A new chapter opened for the *Monumenta*; Pertz, with the entrée to official and academic circles, the friend of Bekker, of Lachmann, of the Grimms, of Schelling and of Meineke, was now a state official, and in two years' time the new grant enabled him to establish for the first time a rudimentary staff. It is true that in 1842 he lost the direct services of Waitz, who went to a chair at Kiel and later (1849) at Göttingen, where he founded a seminar in medieval history that was to become celebrated, but Waitz ever remained faithful to the *Monumenta* and his old chief. Meanwhile, Pertz had found two excellent successors, Rudolf Köpke, Waitz's companion of old under Ranke, and Wilhelm Wattenbach,[1] a pupil of Otfried Müller who, initiated by Ranke, Hirsch and Giesebrecht, came to the *Monumenta* in 1843. These with Waitz and Bethmann were the first professional 'Monumentists', 'Pertz's boys' as Edmund Bishop used to call them, and the chief could now work to a programme with a regular conference on Saturday evenings, though then as always he left great freedom of choice in subject and method to his assistants. It was now, probably through the initiative of Waitz, that a typographical innovation of importance occurred. It had been customary for some years to note in the margin the source, if known, of the medieval writer's text; now the practice was begun of printing all that could be traced to an earlier source in small type, thus making clear at a glance not only the general but even the verbal dependence of a chronicler upon his predecessors.

The years that followed saw the arrival and departure of several talented men. The volumes of *Scriptores* continued to appear, and the name occurred for the first time of Philipp Jaffé,

[1] For Wattenbach see Dümmler's Gedächtnisrede in *Abhandlungen d. Berliner Akademie*, 1892.

in some ways the most brilliant of all 'Pertz's boys'. Jaffé, a young Jew, had abandoned the commercial career planned for him, and spent some months with Ranke. Pertz, despite unfavourable criticism, became his patron, and Jaffé, in five years of phenomenal activity, produced the first (1851) edition of his well-known Register of papal letters. Pertz continued his help, and endeavoured to obtain for him access to the papal archives for a continuation of his work. Pio Nono, however, though courteous, was not forthcoming, and Jaffé in 1854 accepted an invitation to join the staff of the *Monumenta* where, for the next dozen years, he was responsible for much of the best work. Pertz showed less judgment in the encouragement he gave to his eldest son Karl, whom in the same year he made a permanent assistant. Karl was a good worker but without a touch of brilliance; he lacked perception and technical skill, while remaining extremely self-satisfied. Differing in every way as they did, these two recruits were destined to be the principal causes of Pertz's undoing.

Meanwhile Pertz's private life had undergone another change. His first wife had died in 1852. In 1854 he married another Englishwoman, Leonora Horner, a daughter of the well-known geologist and educationist Leonard Horner,[1] for long a chief inspector under the Factories Act. Miss Horner's sisters had married respectively Sir Charles Lyell,[2] the eminent geologist, and Sir Charles Bunbury,[3] a baronet of ancient family with property at Mildenhall and Barton, near Cambridge. These connexions brought Pertz into touch with people of rank and influence in England, and undoubtedly helped him in his researches; he was admitted to the libraries of Earl Spencer and Lord Ashburnham as a gentleman as well as a scholar; we find him staying at Battle and at Barton Hall, and still more unexpectedly joining holiday groups at Tenby and Barmouth, while in Berlin he was seen at government receptions, ambassadorial soirées, and dinners of the English colony. Nevertheless, the influence of his second wife was not wholly benign; she was less adaptable and less motherly; she returned to England for her confinements to give her children English nationality, and insisted on English ways in her house; English was the language of general use there. The young Monumentists were no longer a part of the family, and this cir-

[1] See *Dictionary of National Biography*, *s.v.*
[2] *Ibid.*
[3] *Ibid.*, for article on his father.

cumstance, added to others, made Pertz less approachable. For a time, however, all went well. Merkel and Bluhme produced a valuable volume of *Laws* (the third) in 1863, and two more recruits of worth appeared in Winkelmann,[1] the first of Waitz's pupils, and Arndt,[2] pupil of Ranke and Waitz. Against the excellent work of these and others had to be set some less successful editing of Pertz himself. Pertz was hardening in every way, and his aloofness towards his juniors may have hastened, though it certainly did not cause, the tragic dénouement of his relations with Jaffé. It would appear that Pertz in 1860 was responsible for blocking an offer made to Jaffé of an important post in the Florence archives. The matter rankled, and in 1862 Jaffé unexpectedly served on Pertz (who happened to be in Glasgow) the requisite six months' notice of withdrawal from the *Monumenta*. Pertz, stung by what he considered the ingratitude of his ablest lieutenant, accepted the notice but held Jaffé to his six months. Jaffé was still more embittered; he had friends in Berlin such as Ranke, Haupt, Mommsen, Dümmler and Wattenbach, all of whom took his part against Pertz. It was the beginning of a sad ten years in the life of the *Monumenta* and its chief. In the autumn of 1863, Pertz lost his loyal partner Böhmer, with whom he had often disagreed but never quarrelled, and who had often given good counsel. He was now monarch of the *Monumenta* and at sixty-eight showed no sign of choosing a partner or successor. Both the scholars who bought his goods and the politicians who supplied the funds felt that some control or at least a wider spread of responsibility was needed. Relations were embittered by the secretive habits of Pertz, who refused to allow scholars, even such a one as Sickel, to use materials accumulated twenty or thirty years earlier for future use.

The head and front of Pertz's offending, however, was his treatment of the *Monumenta* as private property, to be inherited by his son Karl, while he based his position on the constitution of a virtually extinct society. For months the intrigues continued. Bismarck was approached and endeavoured to withdraw the affair from the Federal Assembly to his own jurisdiction. Pertz fought

[1] 1838–96. For him and the other scholars of the *M.G.H.* the Nachruf or shorter obituary in the *N.A.* may be consulted; here the reference is *N.A.*, xxi, 770 ff.; see also *A.D.B.*

[2] 1838–9 *N.A.*, xx, 664 ff.; *A.D.B.* (supplement).

back with the utmost pertinacity and adroitness. Twice when all seemed lost he was saved first by Bismarck's distraction in the Schleswig-Holstein crisis and later by the dissolution of the Confederacy on the outbreak of war with Austria, as a result of which Prussia assumed liability for the finances of the *Monumenta*. But though he had undoubtedly won the first round, the skies continued to darken. Waitz remained faithful and with his old genius for selection Pertz acquired Weiland,[1] a pupil of Waitz, in 1865 and Scheffer-Boichorst,[2] pupil of Waitz and Köpke, in 1871; these two became firm friends and did yeoman service in after years. On the other hand, the final breach had come with Jaffé. On leaving the *Monumenta* he had planned a series of historical texts, mainly letters, centring round personalities and places, critically edited and annotated; the project had the blessing of Mommsen, and the first volumes had a great success. The series was taken by Pertz, and probably intended by Jaffé, to be a competitor of the cheap editions in the *Monumenta*; he retorted by every kind of petty footnote insult, while Jaffé heaped fuel on the fire by publishing an edition of the letters of St Boniface, long projected and promised by Pertz, and by sharp criticism of Pertz's scholarship. Finally, Jaffé had the misfortune to lose a manuscript from the Berlin library, whereupon Pertz forbade him the use of the place, and when the Minister stepped in on Jaffé's behalf proceeded to accuse his old assistant of espionage. The matter now passed to the lawyers; Pertz refused to withdraw the charge and Jaffé circulated widely in official and academic circles a burning rebuttal. His mind had long had a streak of morbidity, and he now developed a mania of hatred and persecution; in 1870, at the height of his powers as a scholar, he took his own life. For this Pertz cannot be held accountable,[3] but he himself was now showing signs of age and even of an unbalanced mind.[4] Hopeless anarchy reigned in the management of the *Monumenta*; editions languished and proofs were not sent to the editors. Even Waitz determined to contribute no more; Köpke was removed by death,

[1] 1841–95.

[2] 1843–1902; *N.A.*, xxvii, 768 ff.; *A.D.B.*

[3] The article on Jaffé in *A.D.B.*, by Alfred Dove, is unjustifiably harsh in its tone towards Pertz.

[4] *Bresslau*, citing Wattenbach, 469. Cf. Dümmler to Sickel, 28 August 1872: 'Pertz ist geistig stumpf, hält aber gleichwohl mit unbeugsamer Energie den Besitz der Monumenta als Familieneigentum fest' (*Bresslau*, 469, n. 1).

and the first volume of the *Diplomata*, edited by Karl Pertz, was a thoroughly unsatisfactory piece of work. These and similar misfortunes led the government, spurred on by Ranke, to act, and a commission was set up to report. For six months the affair dragged on. Pertz, by a mixture of masterly inaction and historical and legal special pleading, defeated all efforts and resisted all appeals; it was his duty as Stein's legatee to hold on to the *Monumenta*. Finally, in February 1873, when his opponents, *de guerre lasse*, had decided that they must wait for him to die, Pertz suddenly and unconditionally threw in his hand. He was treated with great respect and allowed to share in the rearrangement, but in fact took no further share in the business. He had previously been forced to leave the library, and his last few years were spent in darkening shadows though his wife and family were loyal.

The interested scholars now became active. Waitz, who had refused to move against his old master, was now persuaded to act, and the *Monumenta* was entrusted to a new directorate. This was to include two members nominated by the three academies of Berlin, Munich and Vienna; the rest were to be chosen by co-optation, and were to elect a president, who was himself to have charge of the *Scriptores*.[1] The new directorate was a strong one; Mommsen, Sickel, Giesebrecht, Wattenbach, Dümmler were among its members, with Pertz and Euler carried over from the past. Von Sybel was among the early additions. The directorate was to meet yearly to settle matters of high policy; a committee, consisting of those resident in Berlin, dealt with business in the interim. To each of the five sections leaders were to be appointed with an *ex-officio* seat on the directorate. Ample government funds were granted for the work in general and specifically for a salary for Waitz, together with official quarters and a room for the *Monumenta*. In the autumn of 1875 Waitz left Göttingen to take up his duties. Pertz, greatly decayed in his powers, was present at the annual general meeting in 1876; he died of a stroke in the autumn. A final judgment on his scholarship and on his character had yet to be made, and it may well be more favourable than that of the historian whose account we have been following; here alone perhaps does he seem to lose his fine impartiality. In any case, Pertz had done an inestimable service to European scholarship. To him in another, but in as real a way as to Stein, the

[1] For the new statutes, see *N.A.*, i, 7–9.

Monumenta owed its existence. Ranke, who was not always among his supporters, may be allowed the last word. 'In the end', he wrote, 'we are told, he became dull and apathetic. That cannot prevent me from recognizing the great significance of his life. He was not a genius, but he was of sterling worth.' [1]

The new directorate got speedily down to work, and the *Monumenta* entered upon the golden age of its existence. Waitz himself took the *Scriptores*, always recognized as the core of the enterprise, but the early, half-Roman period was shorn off as a province for Mommsen. For the *Laws*, always the *Schmerzenskind* of the family,[2] Boretius of Halle, an old Monumentist who had fallen foul of Pertz, was proposed, but both Waitz and Mommsen vetoed him, and Waitz kept the section in hand. Sickel, the eminent Vienna palaeographer,[3] took the *Diplomata*, which henceforth were domesticated in Austria; Wattenbach, unwillingly, took the *Letters*; Dümmler at his own wish the *Antiquities*. The funds available were stepped up in 1876 and again in 1880. Other significant changes were made; the folio format was abandoned for all sections save the *Scriptores* in favour of the quarto. There was a discussion on the use of Latin for editorial matter; in the end it was retained for all save the vernacular texts, but Latin was not Sickel's strong suit, and after he had, with assistance, produced one introduction the learned tongue was abandoned in the *Diplomata*.[4] The octavo series of *SS. rerum Germanicarum* was developed. Perhaps the greatest surprise was the emergence of Mommsen, already in his mid-sixties, as the energetic and prolific editor who speedily made his section the most brilliant of all. Doubts were expressed then and later as to the relevance of some of the late classical authors, such as Symmachus and Ausonius, to German history, but there can be no doubt of the gain to scholarship in general.

[1] Ranke, *Ges. Werke*, vol. 54, pp. 610 ff. 'Er war nicht genial, aber gediegen'.

[2] The phrase is used of a later period by Paul Kehr in his memoir of E. Seckel, *N.A.*, xlvi, 160: 'Die Leges sind von Anfang an das grosse Schmerzenskind der Monumenta gewesen'.

[3] Theodor v. Sickel, 1826–1908. For him see *Bresslau*, 400 (note), Erben in *Historische Vierteljahrschrift*, xi, 333 ff., L. Santifaller (editor), *Theodor v. Sickel, Römische Erinnerungen* (Vienna, 1947), and W. Holtzmann in *Archivio della società Romana di storia patria*, lxxix (1956), 89 ff.

[4] As Sickel himself recounted (*Bresslau*, 531), the members of the directorate, though complimentary, clearly failed to make sense of his Latin.

As to the personnel, there were losses and gains, but the latter preponderated. Pertz's last group, Scheffer-Boichorst, Arndt and Weiland all left to take chairs. Into their places came recruits of note: Heller, an attractive character who died young in 1880; Holder-Egger,[1] a pupil of Waitz who was to equal and perhaps surpass his master in critical genius, and who remained a loyal Monumentist from his student days till his death; Bruno Krusch,[2] another faithful worker; Harry Bresslau,[3] eminent alike as palaeographer, editor and historian; Felix Liebermann, familiar to English historians for his work on Old English and Norman law and constitution; Ludwig Traube,[4] the great textual scholar. The output of the years after 1875 was as notable for quantity as for quality. In the *Scriptores* alone six folios, three quartos and eighteen octavo volumes appeared. Meanwhile the *Laws*, divided into five sub-sections, made good progress under Karl Zeumer and Friedrich Thaner; in the *Diplomata* Sickel, having eliminated Karl Pertz, recruited among others the illustrious Paul Kehr; in the *Letters* Wattenbach secured the brilliant young Paul Ewald for the letters of Gregory the Great, and it was Ewald who introduced to the learned world the rich collection of papal letters from the British Museum supplied by Edmund Bishop. In the *Antiquities* Dümmler, with the aid of Max Manitius and above all of Traube, produced an excellent series of editions of Latin medieval poetry. Yet another innovation was the change of the old, dull and reticent periodical or *Archiv* of the Society into the *Neues Archiv*, which under the energetic editorship of Wattenbach became one of the leading learned journals of Europe, with articles and studies bearing on the *Monumenta*, a chronicle and forecast of its activities, and notices of literature bearing upon it.

Waitz died, at the height of his powers, on 25 May 1886. Ranke had preceded him by twenty-four hours, and on his death-bed had

[1] 1851–1911. See *A.D.B.*, Wattenbach in *N.A.*, vi, 456 ff., and the memoir by K. Zeumer in *N.A.*, xxxvi, 821 ff.

[2] 1857–1940.

[3] 1848–1926. Bresslau was Professor-extraordinary at Berlin, 1877–90, Professor at Strassburg 1890–1918 and at Heidelberg for the remainder of his life. Memoir by Kehr in *N.A.*, xlvii, 251 ff. See also his autobiographical contribution (n. 2) to *Die Geschichtswissenschaft der Gegenwart in Selbstdarstellungen*, ii (1926).

[4] 1861–1907. *N.A.*, xxxiii, 539 ff.; P. Lehmann, introductory memoir to Traube's *Vorlesungen* (Munich, 1909), vol. i.

inquired how his most brilliant and faithful pupil did.[1] Waitz was not only the greatest of German medievalists and a firm leader; he was also a man of singular loyalty and integrity whom all respected as deeply as they admired him. Alike by his energy, his wisdom, his foresight and his personal relations he had rebuilt the *Monumenta*.

The relatively sudden disappearance of Waitz left the succession in the air. Wattenbach was elected acting-president; he had probably been Waitz's choice, and it was assumed by himself and many others that he would succeed without dispute, but in fact a vexatious controversy arose. The directorate was autonomous, with no subordination to the ministry, but the *Monumenta* was financed by the government and Waitz's salary had been paid to the person not to his office. In these circumstances it was natural that the ministry should seize every chance to get control of the appointment, and the executive committee of Berlin academics rent, so it has been suggested, by domestic and foreign rivalries, and dominated by Mommsen, a master-schemer, agreed somewhat hastily that the directorate should do no more than present for nomination by the Kaiser. This might have been a harmless concession, but when they proceeded to elect, opinion was fatally and firmly divided, and Wattenbach and Dümmler received an equal number (7) of votes. This produced an unfortunate deadlock. We need not examine the complicated and painful details of the controversy, which in its progressive stages weakened ever more the position of the directorate *vis-à-vis* the government; in the course of months both Wattenbach and Dümmler refused to stand and then cancelled their refusal. In 1887 it was decided to choose two names for presentation to the government; though the composition of the directorate had changed somewhat the voting resulted as before in a tie; and the government appointed Dümmler. This unfortunate affair had two results; it deprived the directorate of its freedom of election of the president; and it occasioned a change of statute by which the president, no longer necessarily a member of the directorate or in charge of *Scriptores*, was made a full-time director; it was the first step towards an Institute.

[1] See *Abhandlungen d. preussischen Akademie d. Wissenschaften*, 1886, p. 3: 'Was macht denn der treue Waitz?' The words quoted by Wattenbach are also in Eberhard Waitz's memoir, 79.

Once appointed, Dümmler showed himself a tactful, kindly and energetic chief, who gradually healed the wounds of battle. He secured yet another considerable increase in the grant and more commodious rooms for the *Monumenta* and its meetings. Of more questionable wisdom was his achievement in securing the appointment of Holder-Egger with a good salary as assistant director with a seat on the directorate; it was another tap on the wedge of government control. In the realm of editorial policy Dümmler of set purpose maintained the tradition of Waitz, and his term of office, 1887–1902, is therefore the second half of a single epoch, though Dümmler was a less forceful personality than Waitz, and allowed the autonomy of the sections to become almost a constitutional doctrine. Since Wattenbach had resigned and persisted in his withdrawal the *Scriptores* (which he had held since Waitz's death) and the *Neues Archiv* required new leaders; Holder-Egger took over the folio *Scriptores*; Bresslau the *Neues Archiv*. Mommsen, now a septuagenarian, continued his astounding career of productivity and among other work published his great edition of Cassiodorus (1894) and the edition of the *Liber Pontificalis* (1898) which rivalled, but did not supplant, that of Duchesne. Among notable recruits were Tangl,[1] Wilhelm Levison,[2] Alfons Dopsch and Hermann Bloch; among birds of passage the great Wilamowitz-Möllendorf and Heinrich Böhmer, who left his mark on so many diverse subjects. Other memorable achievements of the Dümmler regime were the series of critical lives of the Merovingian saints by Krusch and Levison, which impinged upon Bollandist preserves, the editions by Dümmler and others of the Carolingian letter-writers such as Alcuin, Lupus of Ferrières and Paschasius Radbert, and the masterly edition, not completed for several decades, of Salimbene by Holder-Egger. In a place apart stand the three additional volumes of quarto *Scriptores*, originally planned by Waitz, and entitled *Libelli de Lite*, being treatises and letters connected with the great contest—always the 'lis' *antonomastice* to German historians—between Empire and Papacy. Finally, no account of this time would be complete without mention of Bresslau's classical textbook on

[1] 1861–1920. Memoir by P. Kehr in *N.A.*, xliv, 139 ff.

[2] 1876–1947. An exile from Nazi Germany, he was received as a guest professor at Durham University, and delivered the Ford Lectures at Oxford on the Anglo-Saxon Church in 1943.

medieval diplomatic[1] which, among other things, standardized the method, devised by Sickel, of counterchecking collation by dictation of the script against the original.

Dümmler died in harness in 1902; a few weeks before his death Mommsen, now 85, had retired from his editorial work. Strangely and unfortunately, Dümmler's death gave rise to another contretemps similar to and even more disastrous than that of 1886. This time the government was smartly off the mark and forestalled independent action by appointing Holder-Egger as *locum tenens* pending the election of a president; this *fait accompli* was accepted, and the presentation of names deferred till 1903. Once again opinion was sharply divided. To some Bresslau seemed to have a strong claim, by reason of his great services to the *Monumenta* and his vivacious and likeable personality. He was, however, a Jew, and had never been *persona grata* in Berlin. Holder-Egger, on the other hand, though unrivalled as an editor, was neither a scholar of width nor a leader of men, and old Mommsen, active as ever though on the verge of the grave, was against him. After much complicated manœuvring, in a badly arranged vote for first preference Holder-Egger alone came out with a clear majority. As the Minister had asked for three names at least, it was decided to add three unlikely and even recalcitrant candidates in order to force in Holder-Egger; this deprived Bresslau of any chances he might have had on a straight vote, and he felt the blow deeply. Nor in fact did the trick come off. The government, who would have none of Holder-Egger, held up the appointment and decided to reorganize the *Monumenta* once again as a state-controlled institute, directed, if need be, by an administrator who was not a medievalist. Delays and hitches of all kinds supervened, and for four years the *Monumenta* lay in the doldrums. This delay accentuated the weakness and the fissiparous tendencies of the fabric; editors delayed, prevaricated and defaulted; individual scholars indulged their taste for luxuriant indices and apparatus; a number of bad choices were made, both of texts to edit and of editors to do the work; some faulty editions appeared, especially in the *Laws*, and were mangled by the critical wolves, some of them in the sheep's clothing of Monumentists. Without an effective head there was a real danger that all the channels of movement would silt up; to use another

[1] His *Handbuch d. Urkundenlehre* was first published in 1889.

metaphor, it needed firm central direction to keep all the balls in the air at once.

At last, in July 1906, the government nominated Reinhold Koser, the distinguished historian of Frederick the Great, now for ten years head of the Prussian State Archives. It was another step towards the Institute, another step away from the old conception of the chairmanship of a technical medievalist, *primus inter pares*, and both Holder-Egger and Bresslau were wounded. Koser, however, was a good administrator and an almost too tactful colleague. He did much to improve the status of the young workers, and took the first steps towards integrating them into the academic ladders of seniority, though by securing two state-paid posts he advanced another step towards bureaucracy.

Meanwhile Traube had died in 1907, and his great collection of books was bought by friends and presented to the *Monumenta*. Holder-Egger died in 1911 and was succeeded in the *Scriptores* by Bresslau; among notable publications were Levison's Life of Boniface (1905) and the Anglo-Saxon saints (1919–20), Ehwald's Aldhelm (1913–19), Tangl's Letters of Boniface (1916) and Caspar's Register of Gregory VII. Nevertheless, the *Monumenta* was not in the best of health. It was now operating in three distinct centres—the directorate and several sections at Berlin, the Carolingian *Diplomata* at Vienna, and the *Scriptores* and the Swabian *Diplomata* with Bresslau at Strasbourg; in all the sections the work was largely done by the disciples of the professor in charge of the section, and there was a tendency, already seen on a high level in Holder-Egger, for the Monumentist to be a technician rather than a medieval historian.

Koser died shortly after the outbreak of war in 1914, and for some years Bresslau held the fort. But he was once more deprived, partly now by age but chiefly from unwillingness to leave Strasbourg, of the final distinction of the presidency, and in 1919, when Germany's fortunes were at their nadir, Paul Kehr,[1] a pupil of Sickel who had long since done work for the *Monumenta* and who had in 1915 succeeded Koser as Director of the Prussian State

[1] 1860–1944. Memoir by W. Holtzmann in *D.A.*, viii, 26 ff. Kehr's great work as a scholar was to initiate and organize a complete collection, country by country, of papal documents. Among his collaborators Walther Holtzmann, himself a Monumentist since 1946, has published three volumes of *Papsturkunden in England.*

Archives, was nominated and confirmed—the only time, as he himself wryly remarked, that the directorate had voted unanimously. Kehr was by temperament an autocrat and a realist, some might say a pragmatist. He had little sympathy with the liberal views of Bresslau and others,[1] but he did the *Monumenta* an inestimable service in the years after 1919 and in the crisis of inflation. He restored the finances, shifted it to new and convenient quarters in a wing of the building of the State Library, and reorganized the work in three sections with full-time directors; *Scriptores*, *Leges* and *Diplomata*. Of these he took over the last and himself edited three volumes of Carolingian charters. Kehr was still in command when the régime of Hitler gripped Germany. He was not a Nazi, but his realistic, agnostic, authoritarian frame of mind allowed him to go part of the way, at least, with the tide. In 1934 a decree of the Minister of the Interior announced the take-over of the *Monumenta*, and on 1 April 1935 a remarkably laconic communiqué promulgated a new constitution.[2] According to this, the *Monumenta* became a Reichsinstitut directly under the Minister, who had the appointment of the director. The old directorate was changed into a council of twelve honorary members appointed by the Minister with a merely consultative function. At the same time the *Neues Archiv*, after a break, became the *Deutsches Archiv* (1937). Kehr accepted the change, but retired in the following year. He was succeeded as president by E. E. Strengel (1937–42) and Th. Mayer (1942–45).

The *Monumenta* continued to function during the first four years of the War, but when the allied air offensive showed signs of developing the president and his assistants removed to a mansion near Bamberg put at their disposal by the owner, while the more precious of the collections were stored in the galleries of a mine.[3]

[1] Kehr wrote of Bresslau's liberalism (*N.A.*, xlvii, 266): 'Dass dies alles Doktorfragen seien und dass es vielmehr auf die Praxis, auf die Wirklichkeit und auf die Loyalität der leitenden Persönlichkeiten ankomme, wollte er wenigstens theoretisch nicht zugeben'. But would the loyalty of leading persons have saved Bresslau, the Jew, from crossing the Rhine again in the opposite direction had he lived ten years longer?

[2] For an account of this see P. Kehr, 'Die preussische Akademie und die M.G.H.', in *Sitzungsberichte der preussischen Akademie der Wissenschaften*, phil-hist. Kl. 1935, 740–77. The 'Bericht über die Herausgabe der M.G.H.' in 1934 is *ibid.*, 731. The statutes of 1935 are *ibid.*, and in *D.A.*, i (1937), 276.

[3] For this see *D.A.*, viii (1950), 1 ff.

At the end of the war the Bavarian government came to the rescue of the finances, but the losses were very serious. The documents in the mine had been burnt by a gang of foreign workers, and the stock of printed volumes at Weidmann's had been destroyed by enemy action. The president, Mayer, was *persona non grata* to the Allies, and he was replaced by W. Goetz, the true saviour of the *Monumenta*. Finally, under F. Baethgen (1947–58) the *Monumenta* was reorganized once more. Headquarters were established at Munich of the 'Deutsches Institut für Erforschung des Mittelalters'. The constitutions were in large part identical with those in force before 1935, but the president was to be freely elected by the directorate for presentation to the Bavarian Minister of Education.[1] The directorate itself was to contain two members from the five German academies of Berlin, Munich, Göttingen, Leipzig and Heidelberg, together with two from Vienna and other scholars of note. Thus once more independent in essentials, but recognized as a state Institute and with a wider field of reference, the *Monumenta* has opened yet another phase of its career. The president, elected in 1959, is H. Grundmann.

The great and unique achievement of the *Monumenta* has been to realize Stein's ambition of presenting Germans, or at least German historians, with an almost complete library of the literary and diplomatic sources of their country's history from the earliest times to the opening of the fourteenth century. The back of the task was broken by Pertz; and it must be his lasting claim to gratitude that by the 'sixties of the last century the materials for medieval German history were in large measure in print; this fact not only moulded the course of German historiography for more than half a century, but gave German medievalists the lead among European historians which even two disastrous wars have not taken from them.

In addition to this, and in a way that Stein could not have foreseen, this has been done in such a way that both text and editorial matter have attained on the whole the very highest of standards, and in so doing, have raised the standard of the whole of Western historical scholarship. While it is true that the *Monumenta* as such has never been a teaching school such as the Ecole des Chartes, it has in fact acted as a nursery of professors and archivists, and as

[1] *Ibid.*, 22 ff.

workshop for the perfecting of certain well-defined technical skills. Take it for all in all, it is the *Monumenta* that has set up for all Western historical scholarship the ideal of the critical text.

Moreover, in the course of their labours Monumentists have made innumerable discoveries of manuscripts in the libraries of Europe, and have thus enriched German and European medieval history to an extent that can only be fully realized by those whose expertise lies in these fields. It is true that in Pertz's day the great majority of the texts printed were of interest solely to the historian of the medieval Empire; it is for this reason that the *Monumenta* remained virtually unknown in this country in the nineteenth century, and exercised so little influence upon the editors of our Rolls Series and early Camdens. But during the last eighty years the horizons both of Monumentists and of English historians have broadened and the work of Mommsen, of Traube, of Tangl, and of Levison—to name but a few—has benefited the whole commonwealth of learning.

The function of the *Monumenta* in the future is not easy to foresee. Thanks largely to its past achievement, scholars now in every country are engaged in editing medieval texts with something, at least, of the skill which the *Monumenta* has taught, and which French and Belgian scholars, in particular, have brought to new perfection. At the same time, the new interests of literary and philosophical history are demanding editions of medieval texts with which, at least hitherto, the *Monumenta* has not been concerned. But such an institution, with such a history, will never be out of place so long as the critical study of medieval history is of any concern to the inhabitants of Europe.

ROYAL HISTORICAL SOCIETY

REPORT OF COUNCIL. SESSION 1958–59

The Council of the Royal Historical Society have the honour of presenting the Annual Report to the Anniversary Meeting as follows:

Progress has continued with the collection of material for *Writings on British History, 1901–1933* which the Society is undertaking with the aid of a grant from the Ford Foundation, and the organization of the material for the press has now begun. The Society is represented on the Anglo-American committee supervising the grant by Professors H. Hale Bellot and Helen M. Cam.

The representation of the Society upon various other bodies during the session was as follows: Professor W. Rees on the National Co-operating Body for the Social Sciences (for the purposes of Unesco); Professor J. G. Edwards (with T. F. Reddaway as his deputy) on the Advisory Council on the Export of Works of Art; Professors Margaret Deanesly, A. Goodwin and May McKisack on the British National Committee of the International Historical Congress; Professor J. G. Edwards on the Council of the British Records Association; T. F. Reddaway on the Standing Conference for Local History; Professor V. H. Galbraith on the Advisory Committee appointed by the Minister of Town and Country Planning to supervise the listing of buildings of special architectural and historical interest; Professor W. N. Medlicott on the Committee to advise the publishers of the *Annual Register*; P. Grierson on a committee to regulate British co-operation in the preparation of a new Repertory of Medieval Sources to replace Potthast's *Bibliotheca Historica Medii Aevi*, and on a committee to promote the publication of photographic records of the more significant collections of English coins. Professor W. N. Medlicott continues to represent the Society on the Court of the University of Exeter.

Two volumes of the Society's publications were issued during the session, namely, *Transactions*, *Fifth Series*, Volume 9, and *Texts and calendars*, edited by E. L. C. Mullins (No. 7 in the series of *Guides and Handbooks*). Two volumes will shortly be

sent to the press: *The Liber Eliensis*, edited by Dr E. O. Blake (*Camden Series*), and the revised edition of the *Handbook of British Chronology*, by Sir Maurice Powicke and Dr E. B. Fryde (*Guides and Handbooks*). Council have provisionally accepted for future publication in the *Camden Series* a volume of *Parliament and Council Proceedings, Edward I–Edward III*, to be edited by Dr Patricia M. Barnes. The Clarendon Press has published a new edition of Conyers Read, *Bibliography of British History: Tudor Period*, which is available to members at the reduced price of 45s. (including postage). Messrs Jonathan Cape will shortly publish *Writings on British History, 1940–1945*.

The following papers were read during the session 1958–59:

'Commerce in the Dark Ages: a critique of the evidence.' By P. Grierson. (11 October, 1958.)

'People and government in Southern Asia.' By Dr H. R. Tinker. (7 November, 1958.)

'Decadence or shift? Changes in European civilization in the sixteenth and seventeenth centuries.' By Dr H. G. Koenigsberger. (10 January, 1959.)

'The Treaty of Brétigny, 1360.' By Professor J. H. Le Patourel. (14 February, 1959.)

'The Council of the West.' By Joyce A. Youings. (14 March, 1959.)

'England and the Empire in the early twelfth century.' By K. Leyser. (9 May, 1959.)

The meeting on 7 November, 1958, was held at the School of Oriental and African Studies, University of London, by kind invitation of the Director, Professor C. H. Philips.

The President, Professor the Rev. M. D. Knowles, delivered an address at the Anniversary Meeting on 13 December, 1958, on 'Great historical enterprises. II. The Maurists'. The Alexander Prize was awarded to Alan Harding for his essay on 'The origins and early history of the Keeper of the Peace'. The essay was read at the meeting on 13 June, 1959. The David Berry Prize was awarded to Assistant Professor Maurice Lee for his essay on 'Maitland of Thirlestane and the foundation of the Stewart despotism in Scotland'. The annual garden party was held on 11 July, 1959.

At the Anniversary Meeting on 13 December, 1958, the Vice-Presidents retiring under By-law XVII were Professors A. Browning and E. F. Jacob. C. W. Crawley and K. B. McFarlane were elected to fill the vacancies. The members of Council

retiring under By-law XVII were Dr G. S. R. Kitson Clark, Professors J. H. Le Patourel, S. T. Bindoff and W. N. Medlicott. Professors F. Barlow, F. J. Fisher, J. Simmons and Glanmor Williams were elected to fill the vacancies. The appointments of P. Chaplais as Literary Director and Alun Davies as Honorary Secretary were confirmed. Messrs C. Ryland Beeby, Harmar & Co. were appointed auditors for the year 1958–59.

Council record with regret the deaths of 18 Fellows and 1 Corresponding Member. Among these, Council would mention specially Professor the Rev. C. Jenkins, a member of Council from 1931 to 1934, and a Vice-President from 1935 to 1938; and Dr R. Levene, a Corresponding Member since 1951. 7 Fellows and 2 Libraries have resigned. 3 Fellows and 1 Associate have been removed from the Roll. 26 Fellows and 4 Associates have been elected and 17 Subscribing Libraries have been admitted. 1 Fellow has been re-elected and 1 reinstated, and 1 Library has been re-admitted. 4 Associates have been elected to the Fellowship. The membership of the Society on 30 June, 1959, was 744 Fellows, 37 Corresponding Members, and 103 Associates. Of the Fellows, 228 were life members. The Subscribing Libraries numbered 445. 20 Societies, British and foreign, exchanged their publications with the Society.

The Treasurer reports that the income of the Society for the year 1 July, 1958, to 30 June, 1959, exceeded the expenditure chargeable against it by £357. 14s. 9d. This surplus has been allocated to Publications. The sum of £2,407. 14s. 9d. has thus been granted for Publications, as against £1,758. 11s. 1d. in the previous year, making, with the addition of the proceeds of sales, an allocation to the Publication Fund of £3,243. 9s. 8d., compared with £2,255. 9s. 6d.

ROYAL HISTORICAL SOCIETY

Dr. I.—Income and Expenditure Account for the Year ended 30 June 1959 Cr.

1958	Expenditure	£	s.	d.	£	s.	d.
	Establishment Expenses						
180	Rent—96 Cheyne Walk	£180	0	0			
117	Rates	112	5	8			
33	Insurances, *less* Commission	47	3	1			
11	Repairs	13	0	5			
55	Wages	53	12	0			
23	Extra Service and Cleaning	23	17	7			
9	Lighting and Heating	47	10	8			
14	National Insurance	17	4	1			
10	Catering	9	15	6			
18	Anniversary Meeting Expenses	18	0	0			
8	Sundries	7	2	3			
478					529	11	3
	Secretarial and Administrative Expenses						
600	Salary	600	0	0			
60	Superannuation	60	0	0			
269	Assistant Secretary's Salary	268	10	0			
29	National Insurance	35	15	2			
170	General Printing and Stationery (*less* Sales of Official Pamphlet)	127	17	2			
47	Accountancy and Audit	47	5	0			
75	Postages	69	12	4			
19	Telephone	20	3	1			
24	Sundries	19	14	10			
1,293					1,248	17	7
	Other Charges						
6	Alexander Prize Medal and Expenses	6	10	0			
1	Friends of National Libraries	1	1	0			
1	British Records Association	1	0	0			
16	British National Committee of the International Congress of Historical Sciences	15	15	0			
13	Fee in connexion with Renewal of Lease	18	10	0			
37					42	16	0
140	Library—Grant				140	0	0
50	Contingencies Reserve Fund—Grant				75	0	0
	Publications						
108	Director's Honorarium	125	0	0			
92	Other Secretarial Expenses	75	0	0			
	Publications Account:						
1,455	Grant	2,050	0	0			
497	Proceeds from Sales (*per contra*) transferred	835	14	11			
350	Writings on British History—Grant	350	0	0			
2,502					3,435	14	11
4,500	Balance, being Excess of Income over Expenditure for the year transferred as a further grant for Publications				5,471	19	9
304					357	14	9

1958	Income	£	s.	d.	£	s.	d.
	Subscriptions						
	Received for 1959:						
109	Associates	£160	14	0			
1,237	Libraries	1,439	16	5			
1,535	Fellows	2,112	3	1			
2,881					3,712	13	6
98	Arrears of Subscriptions received				105	11	0
51	Life Subscriptions						
	Less Proportion required by By-Law IX to be invested				–	–	–
	Interest and Dividends						
383	From General Investments	398	19	4			
775	From Sir George W. Prothero Bequest	726	5	7			
94	Bank Interest	29	14	3			
					1,154	19	2
	Royalties						
19	From Sir George W. Prothero Bequest				20	15	11
497	**Sales of Publications**				835	14	11
6	**Sundry Receipts**				–	–	–

ROYAL HISTORICAL SOCIETY

II.—Balance Sheet 30 June 1959

1958 £	Funds	£ s. d.	1958 £	Investments	£ s. d.
27,885	Balance at 30th June 1959 as per Account III	24,535 12 2		General Account £6,967 7 0	
			6,967	(Market Value at 30th June 1959, £12,139 10s. 0d.)	
				Sir George W. Prothero Bequest £17,157 7 2	
			20,264	(Market Value at 30th June 1959, £15,714 7s. 8d.)	
325	Subscriptions received in advance	289 2 11	27,231		24,124 14 2
	Investment Reserve Account			Current Assets	
353	As at 30th June 1958	353 0 8		Balances at Bank:	
689	Barclays Bank Ltd.—Overdraft	— — —	100	Current Accounts 481 10 9	
			1,768	Deposit Account 410 6 3	
			23	Post Office Savings Bank 23 16 9	
			130	London Trustee Savings Bank 134 0 5	
			—	Cash in Hand 3 7 5	
			2,021		1,053 1 7
				Note: The Society also owns the Library Furniture and Office Equipment at 96 Cheyne Walk, Chelsea, and a Stock of its own publications, the cost of which has been written off to Income and Expenditure Account.	
£29,252		£25,177 15 9	£29,252		£25,177 15 9

We have examined the foregoing Income and Expenditure Account and Balance Sheet with the books and vouchers of the Society.

We have verified the Investments appearing in the Balance Sheet. We report that the above Balance Sheet is, in our opinion, properly drawn up so as to exhibit a true and correct view of the state of the affairs of the Society, according to the best of our information and explanations given to us, and as shown by the Books of the Society.

119/125, Finsbury Pavement, London, E.C.2.
22nd September, 1959.

C. RYLAND BEEBY, HARMAR & CO.,
Chartered Accountants, Auditors.

ROYAL HISTORICAL SOCIETY

III.—Statement of Funds 30 June 1959

	Balance at the Beginning of the year.		Grants and Additions during the year.		Expenditure and Withdrawals during the year.		Balance at the End of the year.	
	£ s. d.		£ s. d.		£ s. d.		£ s. d.	
The Sir George W. Prothero Bequest	20,293 3 11		—		(*a*) 3,101 16 6		17,191 7 5	
Life Subscription Fund	3,142 5 0		—		(*b*) 115 8 0		3,026 17 0	
Contingencies Reserve Fund (formerly Lease Renewal Fund)	840 11 10		(*b*) 115 8 0		—		1,030 19 10	
			(*c*) 75 0 0					
Library Fund	37 15 2		(*d*) 140 0 0		178 0 10		*overspent* 5 8	
Publications Fund	1,752 10 11		(*f*) 3,258 6 2		3,423 12 5		1,587 4 8	
'Writings on British History' Fund	818 8 2		(*g*) 350 0 0		469 7 0		699 1 2	
General Fund	1,000 7 9						1,000 7 9	
	£27,885 2 9		£3,938 14 2		£7,288 4 9		£24,535 12 2	

REFERENCES

(*a*) Accrued depreciation written off investments sold during the year.
(*b*) Proportion of Life Subscriptions transferred in accordance with By-Law IX to Contingencies Reserve Fund.
(*c*) Grant for the year.
(*d*) Grant for the year.
(*f*) See Account IV.
(*g*) Grant for the year.

ROYAL HISTORICAL SOCIETY

IV.—Publications Account for the Year ended 30 June 1959

Dr. *Cr.*

	£ s. d.		£ s. d.
Payments made during the year:		**Balance of Allocations at 30th June 1958 brought forward**	1,752 10 11
Guides and Handbooks:		Allocation for Publications 1958/59:	
No. 7. Texts and Calendars (Issued for 1956/57–1958/59)	2,582 1 10	Grants	2,407 14 9
Transactions—Fifth Series:		Proceeds of Sales (as per Income and Expenditure Account)	835 14 11
Vol. 9 (issued for 1957/58). £661 15 5		Refunds on Offprints	14 16 6
do. Offprints 32 0 3			
	693 15 8		
Volumes bought to replace Stock	34 9 0		
Warehousing of Stock	53 10 0		
Sundry Postages, Packing and Expenses	59 15 11		
	3,423 12 5		
Balance at 30th June 1959 available for publications due but not published and estimated to cost £2,300	1,587 4 8		
	£5,010 17 1		£5,010 17 1

THE DAVID BERRY TRUST

Receipts and Payments Account for the Year ended 30 *June* 1959

Receipts

		£ s. d.
BALANCE IN HAND, 30TH JUNE 1958, BROUGHT FORWARD FROM LAST ACCOUNT, viz:		
Cash at Bank: Current Account	£88 14 7	
Post Office Savings Bank	55 18 11	
Cash in Hand	2 1	
£100 3½% Defence Bonds (at cost)	100 0 0	
£200 5% Defence Bonds (at cost)	200 0 0	
		444 15 7
Dividends on Investments per Charity Commissioners		35 14 8
Interest on £200 5% Defence Bonds		7 10 4
Interest on £100 3½% Defence Bonds		3 10 0
Post Office Savings Bank Interest		1 7 6
		£492 18 1

Payments

			£ s. d.
Printing and Postages			4 11 11
Advertising			42 3 0
Examiners' Fees			31 10 0
David Berry Medal			21 12 6
David Berry Prize Money			50 9 7
BALANCE IN HAND—30TH JUNE 1959, CARRIED FORWARD, viz.:			
Cash at Bank: Current Account			– – –
Post Office Savings Bank	£57 6 5		
Cash in Hand	1 5 9		
£100 3½% Defence Bonds (at cost)	100 0 0		
£200 5% Defence Bonds (at cost)	200 0 0		
	358 12 2		
Less Bank Overdraft	16 1 1		
		342 11 1	
			£492 18 1

We have examined the above Account and find it correct.

119/125, FINSBURY PAVEMENT, LONDON, E.C.2.
22nd September, 1959.

C. RYLAND BEEBY, HARMAR & CO.,
Chartered Accountants, Auditors.

The late David Berry, by his Will dated the 23rd day of April 1926, left £1,000 to provide in every three years a gold medal and prize money for the best essay on the Earl of Bothwell or, at the discretion of the Trustees, on Scottish History of the James Stuarts I to VI in memory of his father, the late Rev. David Berry.

The Trust is now regulated by a scheme sanctioned by the Chancery Division of the High Court of Justice dated 23rd day of January 1930 and made in an Action 1927 A. 1233 David Anderson Berry deceased, Hunter and another v. Robertson and another.

This Society is now the Trustee, and the investment held on Capital Account consists of £634 17s. 2d. 3½% Conversion Stock and £540 13s. 2d. Treasury 2½% Stock 1975.

The Trustee will in every second year of the three-year period advertise in *The Times* inviting essays.

ALEXANDER PRIZE

The Alexander Prize was established in 1897 by L. C. Alexander, F.R.Hist.S. It consists of a silver medal awarded annually for an essay upon some historical subject. Candidates may select their own subject provided such subject has been previously submitted to and approved by the Literary Director. The essay must be a genuine work of original research, not hitherto published, and one which has not been awarded any other prize. It must not exceed 6,000 words in length and must be sent in on or before 31 January 1961. The detailed regulations should be obtained in advance from the Secretary.

LIST OF ALEXANDER PRIZE ESSAYISTS (1898–1959)[1]

1898. F. Hermia Durham ('The relations of the Crown to trade under James I').
1899. W. F. Lord, B.A. ('The development of political parties in the reign of Queen Anne').
1901. Laura M. Roberts ('The Peace of Lunéville').
1902. V. B. Redstone ('The social condition of England during the Wars of the Roses').
1903. Rose Graham ('The intellectual influence of English monasticism between the tenth and twelfth centuries').
1904. Enid W. G. Routh ('The balance of power in the seventeenth century').
1905. W. A. P. Mason, M.A. ('The beginnings of the Cistercian Order').
1906. Rachel R. Reid, M.A. ('The Rebellion of the Earls, 1569').
1908. Kate Hotblack ('The Peace of Paris, 1763').
1909. Nellie Nield, M.A. ('The social and economic condition of the unfree classes in England in the twelfth and thirteenth centuries').
1912. H. G. Richardson ('The parish clergy of the thirteenth and fourteenth centuries').
1917. Isobel D. Thornley, B.A. ('The treason legislation of 1531–1534').
1918. T. F. T. Plucknett, B.A. ('The place of the Council in the fifteenth century').
1919. Edna F. White, M.A. ('The jurisdiction of the Privy Council under the Tudors').
1920. J. E. Neale, M.A. ('The Commons Journals of the Tudor Period').
1922. Eveline C. Martin ('The English establishments on the Gold Coast in the second half of the eighteenth century').

[1] No award was made in 1900, 1907, 1910, 1911, 1913, 1914, 1921, 1946, 1948, 1956. The prize Essays for 1909 and 1919 were not published in the *Transactions*. No Essays were submitted in 1915, 1916 and 1943.

1923. E. W. Hensman, M.A. ('The Civil War of 1648 in the east midlands')
1924. Grace Stretton, B.A. ('Some aspects of mediæval travel').
1925. F. A. Mace, M.A. ('Devonshire ports in the fourteenth and fifteenth centuries').
1926. Marian J. Tooley, M.A. ('The authorship of the *Defensor Pacis*').
1927. W. A. Pantin, B.A. ('Chapters of the English Black Monks, 1215–1540').
1928. Gladys A. Thornton, B.A., Ph.D. ('A study in the history of Clare, Suffolk, with special reference to its development as a borough').
1929. F. S. Rodkey, A.M., Ph.D. ('Lord Palmerston's policy for the rejuvenation of Turkey, 1839–47').
1930. A. A. Ettinger, D.Phil. ('The proposed Anglo-Franco-American Treaty of 1852 to guarantee Cuba to Spain').
1931. Kathleen A. Walpole, M.A. ('The humanitarian movement of the early nineteenth century to remedy abuses on emigrant vessels to America').
1932. Dorothy M. Brodie, B.A. ('Edmund Dudley, minister of Henry VII').
1933. R. W. Southern, B.A. ('Ranulf Flambard and early Anglo-Norman administration').
1934. S. B. Chrimes, M.A., Ph.D. ('Sir John Fortescue and his theory of dominion').
1935. S. T. Bindoff, M.A. ('The unreformed diplomatic service, 1812–60').
1936. Rosamond J. Mitchell, M.A., B.Litt. ('English students at Padua, 1460–1475').
1937. C. H. Philips, B.A. ('The East India Company "Interest", and the English Government, 1783–4').
1938. H. E. I. Phillips, B.A. ('The last years of the Court of Star Chamber, 1630–41').
1939. Hilda P. Grieve, B.A. ('The deprived married clergy in Essex, 1553–61').
1940. R. Somerville, M.A. ('The Duchy of Lancaster Council and Court of Duchy Chamber').
1941. R. A. L. Smith, M.A., Ph.D. ('The *Regimen Scaccarii* in English monasteries').
1942. F. L. Carsten, D.Phil. ('Medieval democracy in the Brandenburg towns and its defeat in the fifteenth century').
1944. Rev. E. W. Kemp, B.D. ('Pope Alexander III and the canonization of saints').
1945. Helen Suggett, B.Litt. ('The use of French in England in the later middle ages').
1947. June Milne, B.A. ('The diplomacy of Dr. John Robinson at the court of Charles XII of Sweden, 1697–1709').
1949. Ethel Drus, M.A. ('The attitude of the Colonial Office to the annexation of Fiji').
1950. Doreen J. Milne, M.A., Ph.D. ('The results of the Rye House Plot, and their influence upon the Revolution of 1688').
1951. K. G. Davies, B.A. ('The origins of the commission system in the West India trade').

1952. G. W. S. Barrow, B.Litt. ('Scottish rulers and the religious orders, 1070–1153').
1953. W. E. Minchinton, B.Sc.(Econ.) ('Bristol—metropolis of the west in the eighteenth century').
1954. Rev. L. Boyle, O.P. ('The *Oculus Sacerdotis* and some other works of William of Pagula').
1955. G. F. E. Rudé, M.A., Ph.D. ('The Gordon riots: a study of the rioters and their victims').
1957. R. F. Hunnisett, M.A., D.Phil. ('The origins of the office of Coroner').
1958. Thomas G. Barnes, A.B., D.Phil. ('County politics and a puritan *cause célèbre:* Somerset churchales, 1633').
1959. Alan Harding, B.Litt. ('The origins and early history of the Keeper of the Peace').

DAVID BERRY PRIZE

The David Berry Prize was established in 1929 by David Anderson-Berry in memory of his father, the Reverend David Berry. It consists of a gold medal and money prize awarded every three years for Scottish history. Candidates may select any subject dealing with Scottish history within the reigns of James I to James VI inclusive, provided such subject has been previously submitted to and approved by the Council of the Royal Historical Society. The essay must be a genuine work of original research not hitherto published, and one which has not been awarded any other prize. There is no limit to the length of the essay. It must be sent in on or before 31 October 1961.

LIST OF DAVID BERRY PRIZE ESSAYISTS (1937–1958)[1]

1937. G. Donaldson, M.A. ('The polity of the Scottish Reformed Church *c.* 1560–1580, and the rise of the Presbyterian movement').
1943. Rev. Prof. A. F. Scott Pearson, D.Th., D.Litt. ('Anglo-Scottish religious relations, 1400–1600').
1949. T. Bedford Franklin, M.A., F.R.S.E. ('Monastic agriculture in Scotland, 1440–1600').
1955. W. A. McNeill, M.A. (' "Estaytt" of the king's rents and pensions, 1621').
1958. Prof. Maurice Lee, Ph.D. ('Maitland of Thirlestane and the foundation of the Stewart despotism in Scotland').

[1] No Essays were submitted in 1940. No award was made in 1946 and 1952.

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(CORRECTED TO 31 DECEMBER 1959)

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College of S. Mark and S. John, King's Road, S.W.10.
School of Slavonic and East European Studies, University of London, W.C.1.
Sion College, Victoria Embankment, E.C.4.
Southwark Central Library, Walworth Road, S.E.17.
Stoke Newington Public Library, Church Street, N.16.
United University Club, 1 Suffolk Street, S.W.1.
University, W.C.1.
University College, Gower Street, W.C.1.
Wandsworth Public Library, West Hill, S.W.18.
Westfield College, Hampstead, N.W.3.
Westminster Public Library, St Martin's Street, W.C.2.
Dr Williams's Library, 14 Gordon Square, W.C.1.
Wimbledon Public Library, S.W.19.

Maidstone, Kent County Library, Springfield.
Manchester, Chetham's Library.
The John Rylands Library.
Public Libraries.
University.
Matlock, Derby County Library, Council Offices.
Middlesbrough Public Library, Victoria Square.
Mirfield, House of the Resurrection.
Mold, Flint County Library, Chester Street.

Newcastle-upon-Tyne, King's College.
Literary and Philosophical Society.
Public Library.
Newport (Mon.), Public Library.
Norwich, Norfolk and Norwich Library, Guildhall Hill.
Public Library.
Nottingham, Public Reference Library.
University.

Oldham, Union Street Library.
Oxford, All Souls College.
Balliol College.

Oxford, Bodleian Library.
Brasenose College.
Campion Hall.
Christ Church.
Corpus Christi College.
Exeter College.
History Faculty Library, Merton Street.
Jesus College.
Keble College.
Lincoln College.
Magdalen College.
Merton College.
New College.
Oriel College.
Pembroke College.
The Queen's College.
St Anne's Library, 56 Woodstock Road.
St Catherine's Society.
St John's College.
Trinity College.
Union Society.
University College.
Wadham College.

Plymouth Institution, 13 Alexandra Road, Mutley.
Preston Library (Dr Shepherd's).

Reading, Berkshire Record Office, Shire Hall.
Public Library, Blagrave Street.
University.

St Andrews, University.
Sheffield, Public Library.
University.
Shrewsbury Public Library, Castle Gates.
Southampton, The University.
Stafford, William Salt Library.
Stonyhurst College, Whalley, Lancs.
Stratton-on-the-Fosse, Downside Abbey.
Swansea, University College, Singleton Park.

Wigan, Public Library.
Windsor, Royal Library, Windsor Castle.

York, Public Library.

BRITISH COMMONWEALTH

Accra (Ghana), University College of Ghana, P.O. Box 24, Legon.
Adelaide (South Australia), University.
Aligarh (India), Muslim University.
Allahabad (India), University.

Armidale (Australia), University of New England, Armidale, N.S.W.
Auckland (New Zealand), University College.

Bombay (India), University.
Brisbane (Australia), Public Library.
University of Queensland.

Canberra, A.C.T. (Australia), Australian National University, Acton.
Commonwealth National Library.
University College.
Cape Town (South Africa), South African Library.
Chandigarh (India), Panjab University, Sector 14, Chandigarh, 3.
Christchurch (N.Z.), University of Canterbury.

Dunedin (New Zealand), Otago University, Dunedin, N.I.

Edmonton (Canada), University of Alberta.

Freetown (Sierra Leone), Fourah Bay College.

Grahamstown (South Africa), Rhodes University College.

Hamilton (Canada), McMaster University.
Hobart (Tasmania), University of Tasmania, Box 647c, G.P.O.
Hong Kong University.

Ibadan (Nigeria), University College.

Jamaica (B.W.I.), University College of the West Indies.
Johannesburg (South Africa), Public Library.

Kampala (Uganda), Makerere College, P.O. Box 262.
Karachi (Pakistan), Liaquat National Library, Pakistan Secretariat, Block 76.
Khartoum (Sudan), University, P.O. Box 321.
Kingston (Ontario), Queen's University.

Lahore (Pakistan), Punjab University.
London (Canada), University of Western Ontario.
Lucknow (India), University.

Melbourne (Australia), Public Library.
University.
Montreal (Canada), Bibliothèque St Sulpice, 1700 Rue St Denis.
Civic Library, 1210 Sherbrooke Street E.
McGill University, Redpath Library, 3459 McTavish Street.

Nagpur (India), University of Nagpur.
Nairobi (E. Africa), The Royal Technical College of East Africa.
Nedlands (Australia), University of Western Australia.
New Delhi (India), Government of India, National Archives of India, Queensway, New Delhi, 2.
Newcastle (Australia), University College of N.S.W. University of Technology, Tighe's Hill, Newcastle, N.S.W.

Ottawa (Canada), Library of Parliament.

Peradeniya (Ceylon), University of Ceylon.
Perth (West Australia), The State Library, Jame Street.
Pretoria (South Africa), State Library.

Rondebosch (South Africa), University of Cape Town.

Sackville (Canada), Mount Allison University, New Brunswick.
Salisbury (S. Rhodesia), University College of Rhodesia and Nyasaland, 115 Baker Avenue.
Sydney (Australia), University of Sydney, Fisher Library.
Parliamentary Library of New South Wales, Parliament House, Macquarie Street.
Public Library of N.S.W., Macquarie Street.
N.S.W. University of Technology, Barker Street, Kensington, Sydney.

Toronto (Canada), Law Society of Upper Canada, Osgoode Hall, Toronto, 1.
Legislative Library of Ontario, Parliament Buildings.
Public Library, College and St George Street.
University.

Valletta (Malta), The Royal Malta Library.
Vancouver (British Columbia, Canada), University of British Columbia.
Victoria (British Columbia, Canada), Provincial Library.

Wellington (New Zealand), General Assembly Library.
University, P.O. Box 196.
Winnipeg (Canada), University of Manitoba.

FOREIGN COUNTRIES

AUSTRIA

Innsbruck, Historisches Seminar der Universität.

BELGIUM

Brussels, Bibliothèque Royale.
Université Libre, Avenue F-D. Roosevelt, 50.
Gand, Bibliothèque de l'Université, Roseraie, 9.
Liège, Bibliothèque de l'Université, Place Cockerill.
Louvain, Bibliothèque de l'Université, Place Mgr. Ladeuze.

CHINA

Canton, Chung Shan University, c/o Guezi Shudian, Periodicals Division, P.O. Box No. 50, Peking.
Chengtu, Czechuan University, c/o Guezi Shudian, Periodicals Division, P.O. Box No. 50, Peking.
Shanghai, Shanghai Library, c/o Guezi Shudian, Periodicals Division, P.O. Box No. 50, Peking.

DENMARK

Aarhus, Statsbiblioteket.
Copenhagen, Kongelige Bibliothek.

EGYPT

Cairo, University of Cairo, Central Library.

FINLAND

Helsinki, University.

FRANCE

Bordeaux, Bibliothèque de l'Université, 20 Cours Pasteur.
Caen, Bibliothèque de l'Université, Caen, Calvados.
Bibliothèque de l'Institut d'histoire du moyen âge de l'Université de Caen.
Paris, Bibliothèque Nationale.
Institut de France, 23 Quai de Conti.
Université de Paris.
Strasbourg, Bibliothèque Nationale et Universitaire, 6 Place de la République.

GERMANY

Berlin, Deutsche Staatsbibliothek, Unter den Linden 8, Berlin, N.W.7.
Freie Universität, Universitäts-Bibliothek, Garystr. 45, Berlin-Dahlem.
Bonn, Universitäts-Bibliothek, Am Hof 32–34.
Erlangen, Universitäts-Bibliothek, Universitätsstr. 1.
Freiburg i. Br., Universitäts-Bibliothek, Rempartstrasse 15.
Göttingen, Niedersächsische Staats- und Universitäts-Bibliothek, Prinzenstrasse 1.
Max Planck-Institut für Geschichte, Hoher Weg 11.
Greifswald, Universitäts-Bibliothek, Rubenowstr. 4.
Halle, Universitaets- und Landesbibliothek, Sachsen-Anhalt, August Bebel Str. 13, Halle/S.
Hamburg, Staats- und Universitäts-Bibliothek, Moorweidenstrasse 40, Hamburg 13.
Heidelberg, Universitäts-Bibliothek.
Kiel, Universitäts-Bibliothek, Brunswikerstr. 2a.
Köln, Universitäts und Stadtbibliothek, Albertus-Magnus-Platz.
Marburg, Universitäts-Bibliothek, Friedrichsplatz 15.
Westdeutsche Bibliothek, Universitätsstrasse 25.
München, Bayerische Staats-Bibliothek.
Münster (Westf.), Universitäts-Bibliothek, Bispinghof 24–25.
Saarbruecken (Saarland), Universitaets-Bibliothek, Universitaet des Saarlandes.
Stuttgart, Würtembergische Landesbibliothek, Urbanstrasse 19, Stuttgart-O.

HOLLAND

The Hague, Royal Library, Lange Voorhout 34.
Leiden, Bibliotheek der Rijksuniversiteit, Rapenburg 70–74.

HUNGARY

Budapest, Eötvös Lórant Tudomanyegyetem Könyvtára.

REPUBLIC OF IRELAND

Cork, University College.
Dublin, King's Inns Library.
National Library of Ireland, Kildare Street.
Royal Irish Academy, 19 Dawson Street.
Trinity College.
University College.

ISRAEL

Jerusalem, Jewish National and University Library, P.O. Box 503, Jerusalem, Palestine.

ITALY

Naples, Istituto Italiano di Studi Storici, Via Mariano Semmola, 12.
Rome, Biblioteca della Camera dei Deputati, Piazza Montecitorio.
Vatican City, Biblioteca Apostolica Vaticana.

JAPAN

Hiroshima, Hiroshima University, Higashi Senda-machi.
Kobe, Kobe University, Rokko-dai-machi, Nada-ku, Kobe-shi.
Mikage Library of Kobe University, Sec. Lit. (Asa. 59), Mikage, Higashinada.
Kyoto, Kyoto University, Bungaku-bu Library, Honmachi Yoshida Sakyo-ku.
Miyazaki City, Hyuga-Gakuin College, Yamato-machi.
Nishinomiya, Kansei Gakuin University, Uegahara, Nishinomiya, Hyogo Pref.
Sapporo, Institute of Economic History, Hokkaido University.
Tokyo, Keio University, Mita, Minatoku.
Waseda University.

NORWAY

Oslo University.

POLAND

Lublin, Katolicki Uniwersytet, Szopena, 27.
Warsaw, Ministry of Foreign Affairs.

PORTUGAL

Lisbon, Biblioteca Nacional.

SWEDEN

Göteborg, Stads Bibliotek.
Lund, Universitetsbiblioteket.
Stockholm, Humanistiska Biblioteket, Odengatan, 59.
Kungl. Bibliotek.
Uppsala, Universitetsbiblioteket.

SWITZERLAND

Basel, Universitäts-Bibliothek, Schönbeinstrasse, 20.
Lausanne, Bibliothèque Cantonale et Universitaire.
Zürich, Zentral Bibliothek.

UNITED STATES

Akron (Ohio), University of Akron, Akron, 4.
Albany (N.Y.), New York State Library.
Amherst (Mass.), Amherst College.
Ann Arbor (Mich.), Michigan University.
Atchison (Kans.), St Benedict's College.
Athens (Ga.), University of Georgia.
Auburn (Ala.), Alabama Polytechnic Institute.
Aurora (N.Y.), Wells College.
Austin (Tex.), Texas University.

Baltimore (Md.), Enoch Pratt Library.
Johns Hopkins University.
Peabody Institute Library.
Baton Rouge (La.), Louisiana State University, University Station.
Berkeley (Calif.), University of California.
Bethlehem (Pa.), Lehigh University.
Bloomington (Ind.), Indiana University.
Boston (Mass.), Athenaeum Library.
Massachusetts Historical Society, 1154 Boylston Street.
New England Historic Genealogical Society, 9 Ashburton Place.
Northeastern University, 360 Huntington Avenue, Boston, 15.
Public Library.
Boulder (Colorado), University of Colorado.
Brooklyn (N.Y.), Brooklyn College, Bedford Avenue and Avenue H, Brooklyn, 10.
Brunswick (Maine), Bowdoin College.
Bryn Mawr (Pa.), Bryn Mawr College.
Buffalo (N.Y.), Buffalo and Erie County Public Library, Grosvenor Reference Division, 383 Franklin Street, Buffalo 2.
University, Lockwood Memorial Library.

Cambridge (Mass.), Harvard University.
Harvard Law School.
Canton (N.Y.), The St Lawrence University.
Carbondale (Ill.), Southern Illinois University.
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Chapel Hill (N.C.), University of North Carolina.
Charlottesville (Va.), University of Virginia.
Chicago (Ill.), Loyola University, E. M. Cudahy Memorial Library.
Newberry Library.
University (Order Section W. 21).
Cincinnati (Ohio), Public Library.
University.
Cleveland (Ohio), Public Library, 325 Superior Avenue, N.E.
Clinton (N.Y.), Hamilton College.
College Park (Md.), University of Maryland.
College Station (Tex.), Agricultural and Mechanical College of Texas.
Columbia (Mo.), University of Missouri.
Columbia (S.C.), University of South Carolina, McKissick Memorial Library, Columbia 19.

Columbus (Ohio), State University.
Coral Gables (Fla.), University of Miami, Coral Gables, 46.

Dallas (Tex.), Southern Methodist University, Fondren Library.
Denton (Tex.), North Texas State College, Box 5188, N.T. Station.
Detroit (Mich.), Public Library.
University of Detroit, 4001 W. McNichols Road, Detroit, 21.
Wayne State University, 456 Merrick Avenue, Detroit, 2.
Durham (N.C.), Duke University.

East Lansing (Mich.), Michigan State University.
Emory (Ga.), University.
Eugene (Oreg.), University of Oregon.
Evanston (Ill.), North Western University.

Gainesville (Fla.), University of Florida.
Gambier (Ohio), Kenyon College.

Hanover (N.H.), Dartmouth College.
Haverford (Pa.), Haverford College.
Honolulu, University of Hawaii, Honolulu 14.
Houston (Tex.), Rice Institute.

Iowa, Iowa University.
Ithaca (N.Y.), Cornell University.

Jersey City (N.J.), Free Public Library, 472–486 Jersey Avenue.

Knoxville (Tennessee), University of Tennessee.

Latrobe (Pa.), St Vincent College.
Lawrence (Kans.), Kansas University.
Lexington (Ky.), University of Kentucky, Lexington, 29.
Lincoln (Neb.), Nebraska University.
Los Angeles (Calif.), Loyola Student Library, 7101 West 80th Street, Los Angeles, 45.
Public Library, 530 South Hope Street.
University of California, 405 Hilgard Avenue.
University of Southern California, 700 West 35th Place, Los Angeles, 7.
Lubbock (Texas), Texas Technological College.

Madison (Wis.), University of Wisconsin.
Middletown (Conn.), Wesleyan University.
Milwaukee (Wis.), Public Library.
Minneapolis (Minn.), Athenaeum.
Minnesota University.
Missoula (Mont.), Montana State University.
Morgantown (W.Va.), West Virginia University.
Mundelein (Ill.), St Mary of the Lake Seminary, Feehan Memorial Library.

Nashville (Tenn.), Joint University.
Newark (Delaware), University of Delaware.

New Brunswick (N.J.), Rutgers University.
New Haven (Conn.), Yale University.
New Orleans (La.), Tulane University.
New York (N.Y.), Columbia University.
Fordham University.
General Theological Seminary, Chelsea Square.
Public Library, Fifth Avenue and 42nd Street.
Union Theological Seminary, Broadway at 120th Street, New York, 27.
University, University Heights, New York, 53.
University, Washington Square Library, 32 Waverley Place.
Northampton (Mass.), Smith College.
Notre Dame (Ind.), University.

Orono (Maine), University of Maine.

Philadelphia (Pa.), Historical Society of Pennsylvania, 1300 Locust Street.
Pennsylvania University.
St Clement's Library, Locust Street at Forty Second Street.
Temple University, Philadelphia, 22
Pittsburgh (Pa.), Carnegie Library (The Periodical Room), 4400 Forbes Street.
The University, Pittsburgh, 13.
Portland (Oreg.), Reed College, Portland, 2.
Poughkeepsie (N.Y.), Vassar College.
Princeton (N.J.), Institute for Advanced Study.
Princeton University.
Providence (R.I.), Brown University.
Provo (Utah), Brigham Young University.
Pullman (Wash.), State College of Washington.
Purchase (N.Y.,), Manhattanville College of the Sacred Heart.

Richmond (Va.), Virginia Historical Society, 428 North Boulevard, Richmond, 20.
Virginia State Library.
Riverside (Calif.), University of California.
Rochester (N.Y.), University of Rochester, The Rush Rees Library.

St Louis (Mo.), Public Library.
University, Pius XII Memorial Library, 3655 West Pine Boulevard, St Louis, 8.
Washington University.
San Francisco (Calif.), Public Library, Civic Center.
San Marino (Calif.), Henry E. Huntington Library and Art Gallery.
Seattle (Wash.), University of Washington.
Sherman (Texas), Austin College.
South Hadley (Mass.), Mount Holyoke College.
Spokane (Wash.), Gonzaga University, Spokane, 2.
Stanford (Calif.), University.
State College (Mississippi), Mississippi State University.
State College (Pa.), Pennsylvania State College.
Storrs (Con.), University of Connecticut, Wilbur Cross Library.
Swarthmore (Pa.), Swarthmore College.
Syracuse (N.Y.), Syracuse University.

Tallahassee (Fla.), The Florida State University.
Terre Haute (Ind.), Indiana State Normal School.

University (Ala.), University of Alabama.
Urbana (Ill.), Illinois University.

Waltham (Mass.), Brandeis University, Waltham, 54.
Washington (D.C.), Catholic University of America.
Folger Shakespeare Library.
Georgetown University, Washington, 7.
Wellesley (Mass.), Wellesley College.
Williamstown (Mass.), Williams College.

URUGUAY

Montevideo, Instituto de Investigaciones Historicas, Universidad de Montevideo, Facultad de Humanidades y Ciencias, Cerrito 73.

HISTORICAL SOCIETIES IN GREAT BRITAIN AND IRELAND

WHICH EXCHANGED TRANSACTIONS WITH THE ROYAL HISTORICAL SOCIETY, 1959

Society of Antiquaries, Burlington House, London, W.1.
Royal Society of Antiquaries of Ireland, 63 Merrion Square, Dublin.
Society of Antiquaries of Scotland, Queen Street, Edinburgh.
The Hon. Society of Cymmrodorion, 20 Bedford Square, W.C.1.
Surrey Archæological Society, Castle Arch, Guildford.
Jewish Historical Society, Mocatta Library, University College, Gower Street, W.C.1.
Thoroton Society, Bromley House, Angel Row, Nottingham.

HISTORICAL SOCIETIES ABROAD

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Royal Australian Historical Society, History House, 8 Young Street, Sydney.

BELGIUM

Académie Royale de Belgique, Commission Royale d'Histoire, Palais des Academies, rue Ducale, 1, Brussels.

FRANCE

Bibliothèque de l'Université de Toulouse, 2 rue de l'Université, Toulouse, Haute-Garonne.
Société de l'École Nationale des Chartes, 19 rue de la Sorbonne, Paris.
Société de l'Histoire de France, 60 rue des Francs-Bourgeois, Paris.

GERMANY

Hansischer Geschichtsverein, St Annen-Strasse 2, Lübeck.

HOLLAND

Bureau van de Rijks Commissie voor Vaderlandse Geschiedenis, 7 Bleyenburg, The Hague.
Historisch Genootschap, Utrecht, c/o Bibliothèque de l'Université.

PAKISTAN

Pakistan Historical Society, 30 New Karachi Housing Society, Karachi, 5.

POLAND

Société des Sciences et des Lettres de Varsovie, L'Université, Warsaw.

SWEDEN

Historisk Tidskrift, Storgatan 41, Stockholm.

SWITZERLAND

Allgemeine Geschichtsforschende Gesellschaft der Schweiz, Stadt Bibliothek, Berne.

UNITED STATES

Library of Congress, Washington, D.C.

TRANSACTIONS AND PUBLICATIONS
OF THE
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The annual publications of the Society issued to Fellows and Subscribing Libraries include the *Transactions*, supplemented since 1897 by a continuation of the publications of the Camden Society (1838–1897) as the *Camden series*, and since 1937 by a series of *Guides and handbooks*. The Society has also issued from time to time certain miscellaneous publications, has published since 1937 an annual bibliography of *Writings on British history*, and is publishing in conjunction with the American Historical Association a series of *Bibliographies of British history*. Additional copies of the *Transactions*, the *Camden series*, the *Guides and handbooks*, and the 'Miscellaneous publications' may be obtained by Fellows and Subscribing Libraries at the prices stated below. The series of annual bibliographies of *Writings on British history* and the *Bibliographies of British history* are not included among the volumes issued to subscribers, but may be obtained by them through the Society, at the special prices stated below, upon application to the Secretary, Royal Historical Society, 96 Cheyne Walk, S.W.10. Associates, while receiving only the *Transactions* in return for their subscription, are entitled to purchase at a reduction of 25 per cent one copy of other volumes issued to Fellows and Subscribing Libraries and one copy of each of the volumes of the *Writings on British history* and the *Bibliographies of British history* at the special price.

The *Transactions* and the *Camden series* are not available on sale to the public. Copies of the 'Miscellaneous publications' and of *Guides and handbooks* may be had at the stated prices on application to the Secretary, or through the booksellers. The *Writings* and the *Bibliographies of British history* may be obtained from the publishers or through the booksellers.

TRANSACTIONS*

Old series, 1872–1882. Vols. I to X.
New series, 1884–1906. Vols. I to XX.
Third series, 1907–1917. Vols. I to XI.
Fourth series, 1918–1950. Vols. I to XXXII.
Fifth series, 1951– . Vols. I–IX.

MISCELLANEOUS PUBLICATIONS

†Domesday commemoration. Notes on the manuscripts, etc., exhibited at the Public Record Office. 1886. 6s. 6d.

* Vols. 1, 2, 3, 4, 5, 7, 9 and 10 of the Old series, vols. 1, 2, 3 and 10 of the New series and vol. 9 of the Third series and vol. 1 of the Fourth series are out of print. New series vol. 19 and Fourth series vols. 2 and 4 are only supplied by special leave of the Council. Others are supplied at 15s. each volume. The earliest volumes of the *Transactions* were issued to Fellows in unbound parts. Any discrepancies in the lettering of bound volumes during these periods are doubtless due to this.

† Out of print.

Domesday studies. 2 vols. Edited by P. E. Dove. 1886. 32s. (†Vol. 1).
†England and Napoleon in 1803: being the despatches of Lord Whitworth and others. Edited by Oscar Browning. 1887. 10s.
Walter of Henley's Husbandry, together with an anonymous Husbandry, Seneschaucie, and Robert Grosseteste's Rules. Edited by Elizabeth Lamond and the Rev. W. Cunningham. 1890. 16s.
Proceedings of the Gibbon commemoration 1794–1894. 1895. 6s. 6d.
†The Domesday of Inclosures, 1517–18. Edited by I. S. Leadam. 2 vols. 1897. 40s.
†A bibliography of the historical works of Mandell Creighton, William Stubbs, S. R. Gardiner and John, Lord Acton. Edited by W. A. Shaw. 1903. 6s. 6d.
German opinion and German policy before the War. By G. W. Prothero. 1916. 5s. 6d.
Magna Carta commemoration essays. With preface by the Right Hon. Viscount Bryce. Edited by H. E. Malden. 1917. 33s. 6d.
*A repertory of British archives. Part I. England. Compiled by Hubert Hall. 1920. 10s. 6d.
*A list and index of the Transactions and publications of the Royal Historical Society (1869–1924) and of the publications of the Camden Society (1840–1897). Edited by Hubert Hall. 1925. 5s.
The *Domesday monachorum* of Christ Church, Canterbury. 1944. 30s.

BIBLIOGRAPHIES ISSUED IN CONJUNCTION WITH THE AMERICAN HISTORICAL ASSOCIATION

Bibliography of British history: Tudor period, 1485–1603. Edited by Conyers Read. 2nd ed. 1959. Oxford Univ. Press, 63s. (Special price, 45s.)
†Bibliography of British history: Stuart period, 1603–1714. Edited by Godfrey Davies. 1928. Oxford Univ. Press, 25s. (Special price, 19s. 6d.)
Bibliography of British history: 1714–1789. Edited by S. M. Pargellis and D. J. Medley. 1951. Oxford Univ. Press, 42s. (Special price, 32s. 6d.)

ANNUAL BIBLIOGRAPHIES

Writings on British history, 1934. Compiled by A. T. Milne. 1937. London, Jonathan Cape, 21s. (Special price, 18s.)
Writings on British history, 1935. Compiled by A. T. Milne. 1939. London, Jonathan Cape, 21s. (Special price, 18s.)
Writings on British history, 1936. Compiled by A. T. Milne. 1940. London, Jonathan Cape, 21s. (Special price, 18s.)
Writings on British history, 1937. Compiled by A. T. Milne. 1949. London, Jonathan Cape, 21s. (Special price, 18s.)
Writings on British history, 1938. Compiled by A. T. Milne. 1951. London, Jonathan Cape, 21s. (Special price, 18s.)
Writings on British history, 1939. Compiled by A. T. Milne. 1953. London, Jonathan Cape, 21s. (Special price, 18s.)
Writings on British history, 1940–1945. 2 vols. Compiled by A. T. Milne. 1960. London, Jonathan Cape, 126s. (Special price, 110s.)

GUIDES AND HANDBOOKS

1. Guide to English commercial statistics, 1696–1782. By G. N. Clark, with a catalogue of materials by Barbara M. Franks. 1938. 7s. 6d.

* Supplied only by special leave of Council. † Out of print.

†2. Handbook of British chronology. Edited by F. M. Powicke, with the assistance of Charles Johnson and W. J. Harte. 1939. 7s. 6d.
†3. Medieval libraries of Great Britain, an index of surviving books. Edited by N. R. Ker. 1941. 7s. 6d.
4. Handbook of dates for students of English history. By C. R. Cheney. 1955. 12s. 6d.
5. Guide to the national and provincial directories of England and Wales, excluding London, published before 1856. By Jane E. Norton. 1950. 18s.
†6. Handbook of Oriental History. Edited by C. H. Philips. 1951. 18s.
7. Texts and calendars: an analytical guide to serial publications. Edited by E. L. C. Mullins. 1958. 50s.

Provisionally accepted for future publication:

List and index of parliamentary papers, 1700–1800. Edited by E. Wagstaff and A. T. Milne.

† Out of print.

PUBLICATIONS OF THE LATE CAMDEN SOCIETY

CONTINUED (FROM 1897) AS THE CAMDEN SERIES OF THE ROYAL HISTORICAL SOCIETY

OLD SERIES*

*1. Historie of the arrivall of Edward IV in England and the final recoverye of his kingdomes from Henry VI (1471). Edited by J. Bruce. 1838.

†2. Kynge Johan. A play in two parts. By John Bale. Edited by J. P. Collier. 1838.

*3. Alliterative poem on the deposition of Richard II; Ricardi Maydiston de Concordia inter Ric. II et civitatem London. Edited by T. Wright. 1838.

†4. Plumpton correspondence. Letters written in the reigns of Edward IV, Richard III, Henry VII, and Henry VIII. Edited by T. Stapleton. 1839.

*5. Anecdotes and traditions, illustrative of early English history and literature. Edited by W. J. Thoms. 1839.

†6. The political songs of England, from the reign of John to Edward II. Edited and translated by T. Wright. 1839.

*7. Annals of the first four years of the reign of Queen Elizabeth, by Sir J. Hayward. Edited by J. Bruce. 1840.

8. Ecclesiastical documents: 1. A brief history of the bishoprick of Somerset from its foundation to 1174. 2. Charters from the library of Dr. Cox Macro. Published by the Rev. J. Hunter. 1840.

9. Speculi Britanniæ Pars: an historical and geographical description of the county of Essex, by John Norden, 1594. Edited by Sir H. Ellis. 1840.

*10. A Chronicle of the first thirteen years of the reign of Edward IV, by John Warkworth, D.D. Edited by J. O. Halliwell. 1839.

*11. Kemp's nine daies wonder: performed in a daunce from London to Norwich. Edited by Rev. A. Dyce. 1840.

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